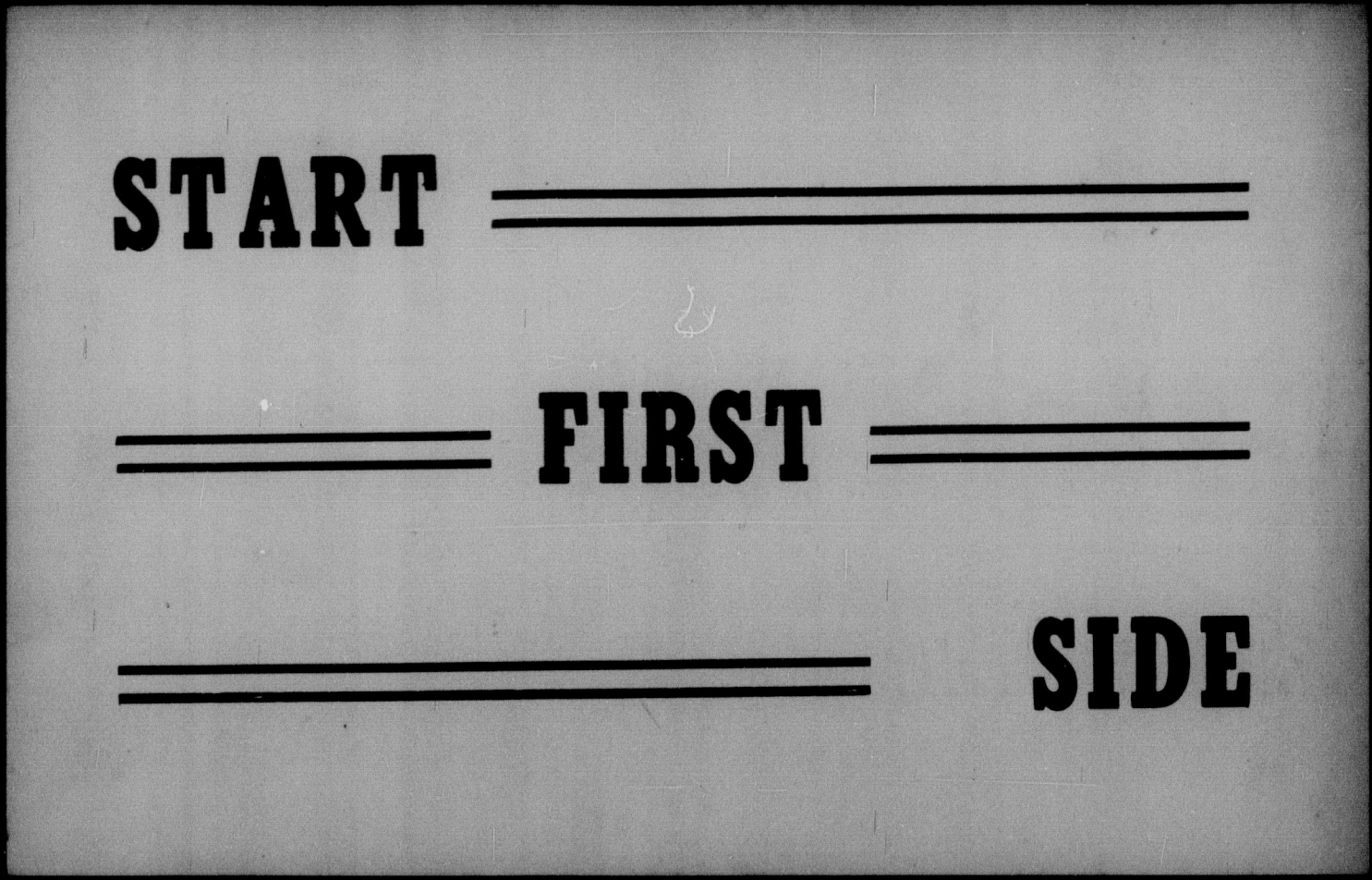
44.E.4A


START
FIRST
SIDE

H.Q.C. 55-E-354 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT

FIELD GENERAL COURT-MARTIAL

ELDRIDGE, THOMAS WILLIAM MEL

B-83934 CPL.

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR	INITIALS	DATE
				(If purpose for which referred cannot be expressed on one line enter here "With Minute")			15-1-47

CONFIDENTIAL
H.Q.C. 55-E-354

OVERSEAS COMBINED

NOTICE

PASS THIS FILE IN ENVELOPE

SCHEDULE.

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

Accused: B83934 Cpl (A/Sgt) ELDRIDGE, T.W.M., CCOD.

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA 40	NOT GUILTY	GUILTY	
2nd AA 40	NOT GUILTY	GUILTY	
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

At present under ~~sentence~~ for ~~beginning on (date)~~.(1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of NIL days, of which NIL days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To be Reduced to the Ranks and to undergo Detention per a period of Sixty (60) Days.

(Sgd) ..... Judge-Advocate, if any. 3 Oct 44 Date awarded. (Sgd) ..... President. (RP 45, 50.)

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

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

yes

Date ..... (Sgd) ..... Commanding .....

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

(For duties and powers see AA 54, 57, RP 37(D) fn 6,46(A), 51-56, 120, MML pp 759-761, KR Con 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Con 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

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

Confirmed

I ~~direct that the accused be not committed to prison or detention barracks until further orders~~.(1) (1. AA 57A. Delete if not used.)

Date 8 Oct 44 (Sgd) J.E. Sager Brigadier Commanding F. Sp. C.R.U. Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Con 576, 577.)

Accused.	Date.	Signature of Offr.
B.83934 Cpl (A/Sgt) Eldridge T.W.M.	9 Oct 44	Lieut CCOD, RCOC

Part II D.O.146 d/13 Oct 44

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECEIVED 19 OCT 1944 JAG (Overseas Branch) C.M.H.Q.

RECORDED AT CMHQ IN AB 160 4A 51

CFA96 (In lieu of AFA3) 40/P & S/1698 (4950) 4/38B

FIELD GENERAL COURT-MARTIAL

Convened by Order of Brigadier JE Sager Comd "F" Gp, CRU dated 30 Sep 44

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 Con 308, 328, 330.)

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
B-83934	Cpl	A/Sgt	Thomas William Melville	Eldridge	MTTS Coy CCOD

PROCEEDINGS REVIEWED 20 Oct 44

J.C.C. Evans Dawson Capt
REVIEWING OFFICER, JAG BRANCH, C.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) England on (date) 3 Oct 44

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, ~~waiting Member, JA, if any,~~ and Offrs under instr, ~~if any,~~ assemble, and the Court is closed.

(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 NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc, which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is ~~(are)~~ amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

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

A4. The Prosecutor produces a Medical Certificate that accused is ~~(are)~~ 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 summarily by the CO.(2)~~

(1. KR Con 557. 2. AA 46(8), RP 60 fn 1. For effect see KR Con 563(c). Delete, if not applicable.

~~A5. President to accused: Do you object to ..... as interpreter? Ans .....~~

~~The Interpreter is sworn.~~(1) Do you object to B28126 Sgt SINCLAIR A.P. as shorthand writer? Ans NO. The shorthand writer is sworn.(1)

(1. RP 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, SIR

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, ~~JA, if any, and Offrs under instr, if any~~, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	LT-COL	D.L.	REDMAN	HQ, CRU.
Member	MAJ.	J.R.	NIXON	17 C.G.H.
Member	MAJ.	A.	VALEE	17 C.G.H.
~~Judge-Advocate~~				
Prosecutor	MAJ.	C.H.	SIFTON	1 CCOD
Defending Offr	LT	A.E.	BRODIE	3 C.G.P.C.

Questions by President: Is the Prosecutor a lawyer? Ans NO. Is the Defending Offr a lawyer? Ans NO.(2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See DI p 3.)

A8. The accused ..... before arraignment make(s) (no) (~~no~~) plea .....(1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RsP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is ~~(are)~~ arraigned ~~(separately)~~ on all charges in the charge sheet.(1) The accused does ~~(do)~~ 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, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (~~is closed and~~) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form "D"

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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 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.

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).

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; 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(s)(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(s), 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 plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), 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 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.(4)

President to accused: Do you wish to make a statement? Ans.....(5)
(1. RP 37(B). 2. RP 37(D) fn 6. 3. 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 Notes.)

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 he (they) change(s) his (their) plea(s) on.....charge(s). Part I of the Schedule is amended accordingly.
(1. Court may be closed to consider the statement. Delete whole or 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. RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex....., initialled and read aloud by the President.(1)
(1. If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p 3. RP 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.(1)
(1. RP 37(A) (E).)

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 Record Form B above.(1)
(1. Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate sheet.)

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 3.

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.

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 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. NO, SIR.....(1)
(1. If "yes", see RP 39(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. 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.(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).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that 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 the latter charge(s).(4)
(1. Delete remainder of this para, if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP 40 fn 1. 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 D8.)
NB: If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on 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 yourself on oath 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 sworn, 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 neither.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? Ans. To give evidence. Do you intend to call witnesses on your behalf? Ans. Yes, SIR. Are they witnesses as to character only? Ans. Yes, SIR.
(1. RP 115. 2. RP 40(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fns 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1) NOTE ATT
(1. RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 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.(2) The Court is re-opened.
(1. RP 43, 117(A). See Notes in Part I 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.(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.(2).~~
(1. AA 54(3) (6), RP 45, 120(A). 2. AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B 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 accused: Do you wish to give evidence yourself or to call any witnesses as to your character?(1)
Ans. NO-SIR
(1. If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(s)(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(l) (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 marked Ex. B and Ex. C respectively.(3)
(1. MFB 355 or AFB 296. 2. MFM 6. 3. RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment?(1) Ans. BY A OFF'R NOTE-ATT.....(2)
(1. RP 37(C), 46(D). 2. Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 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 proceedings in open court are accordingly terminated.(1)
(1. AA 54(6), RP 120(A).)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him ~~and the JA, if any~~.(2)
(1. When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 330, 563-566, Overseas RO 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(1B), 68(1), KR Can 564. 2. RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see Instrs on back of Convening Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET

The accused, B.83934 Cpl. (A/Sgt) Thomas William Melville ELDRIDGE, on the strength of M.T. Technical Stores Coy, 1 Cdn. Central Ord. Depot, a soldier of the Canadian Army Overseas is charged with:-

While on Active Service

FIRST CHARGE A.A. Sec. 40 — CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE,

in that he,

in the field, between 1000 hrs. and 1430 hrs., 9 Sep 44, was concerned in the improper use of Cdn. Military Vehicle CZ-4209900.

SECOND CHARGE A.A. Sec. 40 — CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE,

in that he,

in the field, between 1830 hrs. and 2230 hrs., 9 Sep 44, was concerned in the improper use of Cdn. Military Vehicle CZ-4209900.

R C Kelly

(R.C. Kelly) Major,
O. C. Depot Bn.,
H.Q., 1 Cdn.COD., RCOC

Peper Harow
28 Sep 44

To be Tried by Field General Court Martial.

J E Sager

(J. E. SAGER) Brigadier
Comd "F" Gp, CRU

Bordon, Hants.
30 Sep 44

FIELD GENERAL COURT-MARTIAL

(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 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. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML 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 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) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
B-83934	Cpl	A/Sgt	Thomas William Melville	Eldridge	MTTS Coy CCOD

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 (have) committed the offence(s) set forth in the Charge Sheet(s) attached and on *(date)* 30 Sep 44 endorsed by me, (or by an offr of my staff for me), " To be tried by Field General Court-Martial ".

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 ; ~~(and that it is not practicable to delay the trial for reference to a superior qualified offr.)~~

(Delete part in brackets when not required for compliance with RP 105(C).)

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

4. ~~I am unable to appoint (a) three Offrs to form the Court, (b) a Pl Offr as President, for the reasons I have attached hereto.~~

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. ~~I also appoint as Judge-Advocate thereof the Offr mentioned hereunder.~~

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

(Rank.)	(Must be named. RP 106.)	(Unit.)
Lt.-Col.	D. L. Redman, VD.	HQ CRU

MEMBERS.

(Rank.)	(Named or detailed. RP 106.)	(Unit.)
Major	J. R. Nixon	17 Cdn Gen Hosp
Major	A. Valee	17 Cdn Gen Hosp

WAITING MEMBER.

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

JUDGE-ADVOCATE.

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England *(Country.)*

J E Sager *(Signed personally. RP 105 fn 2.)*

Brigadier *(Rank.)*

(J. E. SAGER) Brigadier

Commanding "2" Gp, CRU

Convening Officer.

Date 30 Sep 44

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFA85 (To Brig of AFA3) 40/P & S/1697 (4601)

(See overleaf for oaths and notes for use on trial.)

CASE OF

B.83934 Cpl (A/Sjt) KILDRIDGE T.W.M. CCOD

D-3 - PROSECUTION -

FIRST WITNESS

Capt J.A. EVEREST, MT Tech Stores Coy, 1 CCOD, having been duly sworn, states:

I am the Tpt Offr of MT Tech Stores 1 CCOD and have been since June 44. Vehicle CZ 4209900 is a 15 cwt vehicle and assigned for AD and fire duties. It is also on charge to MT Tech Stores. The duties it is assigned for are AD duties within the Bordon area, and it is also used as a tow veh by the Fire Supt of the area, and may be called upon by him. The normal limits are within the Bordon military subdistrict. On 9 Sep 44 there was no call made for this vehicle by the Fire Supt's office. The Woolmer Hotel and the village of Woolmer are not within the Camp area. Longmoor Camp is situated between Bordon and Woolmer and from the record I have from the Fire Supt I understand there is fire fighting eqpt in the Longmoor Camp. There is an order prohibiting WD vehs taking personnel to pubs, MT Dvrs Regs para 44 sub para D-4 sets this out. To my knowledge this veh was never used for recreational purposes. I have here a work ticket for this veh for the period 1-10 Sep, it shows a mileage of 70 miles on 9 Sep compared to a daily average of 12 miles on other days. The OC, the Tpt Offr or the Acting Tpt Offr in the unit would be authorized to sign a work ticket, and in the case of an emergency the Fires Supt could order this veh out to the scene but would not sign the ticket. In the absence of the OC, the A/OC, or the 2IC or the Duty Offr could also sign this work ticket. On the 9 Sep I was on leave and Mr Slater was the Tpt Offr in my absence. He is now o/s.

WORK TICKET OFFERED AND RECD IN EVIDENCE AND MARKED EXHIBIT 1.

THE PROSECUTOR STATED THAT THE ORIGINAL WORK TICKET WAS URGENTLY REQUIRED BY THE UNIT AND HE TENDERED A COPY OF THE WORK TICKET CERTIFIED TO BE A TRUE COPY.

THE PRESIDENT COMPARED THE COPY WITH THE ORIGINAL AND CERTIFIED THE COPY TO BE A CORRECT COPY.

COPY OF WORK TICKET MARKED EXHIBIT 1 BY THE COURT.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

SECOND WITNESS

Capt R.U. NIVEN, MT Tech Stores Coy 1 CCOD, having been duly sworn, states:

On Sat night 9 Sep 44 I was Duty Offr 1 CCOD. About 2120 hrs a pro reported to me that veh CZ 4209900 on charge to MT Stores and driven by Pte Petrie had been involved in an accident with a bus near Whitehill at 2040 hrs. On making my rounds at approx 2300 hrs I saw the driver of the veh Pte Petrie in the gd room and he was sober. I inspected the veh at approx 2305 hrs and damage was slight, some red paint had been scraped into the left front fender and the well above the tire on the left side of the vehicle.

Q. Recognize Exhibit 1?
A. Yes, it is the work ticket for veh CZ 4209900.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

THIRD WITNESS

Medical Officers' Certificate
K.R. (Can) para. 557.

I certify that I have this morning examined No. B-83934
SGT ELDRIDGE T.W.H and in my opinion he is fit ~~unfit~~ to
(rank) (name)
undergo trial by Court Martial.

Station BORDON HANTS

Date 3 OCT 44 (Sgd.) O. L. Rosenfeld Capt.
(Medical Officer)

/DRN.

Plea in Mitigation of sentence

6th Aug.

Mr President and Members of the Court.

I believe that I know the accused probably better than anyother man. We have worked together on the battle-field in easy and hard times

The accused is a young man 20 years of age. He has had two years service including six months in the theatre of operations. He was one of our fighting in the fateful days at Caen. On the famous night of 7/8 Aug. he rode into battle as one of our Anti-tank gunners. He is one of the thousands of Canadians who drove the Germans back to Germany.

This is the mans first offence. He admits his guilt and realizes that he has made a drastic mistake. He realized this too late it is true, but he did give himself up.

I wish that the Court would bear this in mind as the accused is a good soldier.

W Bernsley Lt

S 3314 Pte PETRIE, J.E., CCOD, having been duly sworn, states:

PRESIDENT: As you are yourself charged in connection with the circumstances relating to this case you are not compelled to answer any questions which might tend to incriminate you.

WITNESS: Yes, Sir.

On the morning of 9 Sep 44 I was on duty as fireman, and it is part of my duty to drive CZ 4209900.

Q. Were you regularly assigned to that vehicle?

A. No, there are 2 drivers, a duty driver and a stand to driver, I happened to be the stand to driver. On that morning around 10 or 11 o'clock I happened to be on regular patrol at Warren's Park and after I came back Sjt Eldridge, the accused, was standing outside the Fire Hall with a bunch of the men and he asked who wated to go for a drink to the pub. I did not hear who said "who wants to go" but at the time I was sitting in the truck and then Sjt Eldridge got in the truck with me. When we got to the pub I found Weishaupt and Gasperece to be in the back of the truck. Just before we left Sjt Eldridge specified the Red Lion and I drove them there. When we got there Sjt Eldridge bought a pint of beer apiece. After we had a drink there somebody asked the bar tender for whisky which he did not have and a civilian suggested that we would get whisky in the Woolmer Hotel. I got the truck and drove it up in front of the pub and the accused got in front with me and Weishaupt and Gasperece got in the back and then we started for the Woolmer pub taking a back road and on the way we stopped at the Star Pub which is in Longmoor. It was closed so we went on to the Woolmer pub. The four of us went in and stayed there until 2 o'clock, closing time, after which we got in the truck and drove home. After I came back from the kitchen after having eaten I went and laid down in the hut and had a sleep. I woke up and had a wash, had early supper and returned to the fire hall and then about 5.30 Sjt Eldridge, SQMS Warren and another Sjt came down to the fire hall in a jeep and let Sjt Eldridge off and then it went back towards the Sjts Mess. I stayed around the fire hall for about half an hour. Sjt Eldridge had a wash and a shave then gave me a direct order to go up and get Warren at the Mess. I found Warren in Hut 2 and took him down to the fire hall and when I got there Sjt Eldridge and Warren got in the back. Then I was told by Eldridge to go to the same pub as we were at in the morning. I took the Hogmore Lane Road. As we travelled south on the highway I drew up pretty close to a bus, blew my horn 2-3 times, and finally he pulled over to the left and I tried to pass him, and as we were passing we slightly rubbed together, which caused him to enter the ditchoon the left hand side and it swung me over in front of him and into the ditch. I came out on the road again, slowed down to stop but was told "keep going we hit a bus" by Sjt Eldridge. I know it was him because I know his voice, so I kept going, to the Woolmer pub. Warren and Eldridge then got off and Eldridge said to me to put the truck in the side road for about 10 mins and then come back to the pub, which I did. Gasperec was with me then, and when I came back to the pub I drove the truck into the back of it and when I went in I found only Weishaupt there and he said that Warren and Eldridge had gone to the accident. I stayed and waited until they came in, and when they came in we had a drink apiece and then Eldridge bought a round. From there we went to the Star Pub where some people passed remarks about a fire truck that was in an accident, so Gasperec and Waishaupt and I moved. We left Eldridge and Warren there in the pub and we went down towards Liss where we stopped at a pub and a constable came in while we were drinking and wanted to know who the driver of the truck was that was outside and the landlord told him it was me. I went outside and we had some conversation and after that I went back towards Longmoor where we stopped at another pub, had a drink and then we came on to the Star pub where I picked up

Eldridge and Warren and a couple more soldiers whom we didn't know, and turned towards Bordon. We stopped at the HOW lines first where these soldiers we didn't know got off and then dove to the Fire Hall where I stopped and let Casperec out. Sjt Eldridge then said to drive to the Mess calling from the back and I drove to the Mess, stopped on the left side of the road where Warren and Eldridge got out and then a couple of pro came alongside about a bright light on the truck. The pro also took the number of the truck and ordered me to follow him to the fire hall where I gave him my Pt II paybook from which he took my number and name, and then the Orderly Sjt put me in arrest and I was taken to the Gd Room. When Warren was picked up the first time he was under the influence of liquor but not drunk - I didn't talk to him after picking him up at the Star pub - nor to Eldridge.

Q. When in dtn Sat night did you have any visitors?
A. Yes, Sjt Eldridge, I don't know if he was alone or not as it was dark. He came in and wakened me and said to me "if you take the rap we will pay you any amount of money you will lose" and that he and S/Sgt Warren would pay for it.

Q. Any other visitors the days following?
A. Yes, Eldridge again on Sun morning before dinner, and he said the same things as he said that night, if I would take the rap they would give me any amount of money I would lose.

Q. Any other occasions?
A. Yes, somebody came over and said a constable wanted to see me, a civilian constable, who wanted me to make a statement of the accident. I made this statement in front of an offr. Mon morning Sjt Eldridge called upon me to make out an accident report and we both made it out, he writing it. I asked him to sign his name on the report and he said he didn't want to sign at that time but that if it came to a court-martial he would.

Q. Anybody else present on the occasion of these visits?
A. No, Sir, but on Sat when he came he was under the influence of liquor, but on Sunday he was sober.

CROSS-EXAMINED

Q. When Sjt Eldridge is not in charge of the station from whom do you take your orders from?
A. L/Cpl Plamonden, Sir.

Q. Who was IC on the Sat in question?
A. I wouldn't know. I've no idea who was in charge, I thought it was the Sjt IC in fact.

Q. Then at no time during that day did Cpl Plamonden give you any orders?
A. No, Sir.

Q. That was Sjt Eldridge's day off?
A. I don't know.

Q. But you are not aware who was on duty, the duty NCO?
A. No, Sir, and with the organization that is there I've no way of knowing it. Sjt Eldridge is in charge of the fire station under Lt Duke.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B)

THE PROSECUTOR STATED:

I THINK IF IT IS SATISFACTORY TO THE COURT WE WILL NOT CALL THE OTHER TWO WITNESSES NOW, GASTEREC AND WEISHAUPT, BUT WOULD LIKE TO RESERVE THE RIGHT TO CALL THEM TO REFUTE ANY EVIDENCE BROUGHT OUT BY THE DEFENCE.

THE DEFENDING OFFICER STATED THAT HE WOULD LIKE THE PRIVILEGE OF CALLING THESE TWO WITNESSES AS WITNESSES FOR THE DEFENCE.

THIS WAS AGREED TO BY THE COURT

THE PROSECUTION IS CLOSED

- D E F E N C E -

FIRST WITNESS

The accused, B.83934 Cpl (A/Sjt) ELDRIDGE, T.W.M., CCOD, having been duly sworn, states:

Sir, in the first place I feel very keenly of the position in which I find myself, having served 25 years on a Fire Dept with a very excellent record, attaining the rank of a Capt, and then enlisting the first week of the war with one idea in mind, to come over here and start in where we left off in 1918, and owing to my age I was sent back to the RU and then detailed by CRU to take over AD duties which I have endeavoured to carry out up until this incident, to the best of my ability. It was through my initiative that the present fire station which I work out of was built. I organized and put into shape an organization which has been very favourably commented upon by various offrs and at different times. The area is a large area, including actually 4 units mostly concerning workshops, warehouses, veh parks and salvage. When I first went there a year ago last Jan I had a staff of over 23 men including 4 NCOs. I had no difficulty at that time in carrying out the duties which I was supposed to carry out, but as time went on various HUs called these men back for service with their units, others were sent home on account of their category, until the staff was depleted of all NCOs and I had 5 men left. I think the Court can quite realize how much work that meant for me with 5 men. It meant that I could not take a day off and I had to work Sat and Sun as well as week days and the only time I had off was my privilege leaves. Now there are 1100 and some odd fire extinguishers which must be examined and tested at least once a month according to a CRU order, there are 812 fire points including stirrup pumps, which must be tested once a week. In spite of the depleted staff this was carried out. I made several complaints at various times to the CO and the 2 IC in regard to the small staff and they endeavoured to do all they could to get more men but they failed to get any. There have been various ADOs who have been assigned as AD offrs but in every case there was not one of these offrs who was trained in AD work and in every case they told me so themselves and left the job to me. Now, when the boys went to France I got the idea again that I should go to. I approached my CO and I also approached other offrs with a view to getting back to the Holding Unit and going to France. I did this because I found out men whom I knew were just as old as I and who had already gone. This made me somewhat discontented. Now, coupled with that I am a married man and I've 3 children of a family in Toronto, Canada. I've not heard from my wife in over 4½ yrs and I've property there which I am concerned about and have not been able to receive any information as to what the condition of it is. Coupled with that I got a letter from my sister which really had a great deal to do with the position I now find myself in. It is dated 16 Aug 44 and it reads as follows:, in part: "Now Mel I have some news which you will hear sooner or later, but I haven't told Mom as yet. Several months ago not long after Tom was home the Hardie Groceries on Bloor was robbed, also a truck owned by Mr Albert and police picked Tom up right in the doorway of the groceteria and the rest got away as per usual. Well

previous to this the Bloor Hotel was robbed of bonds, etc., by Tom's gang, but Tom this time was not implicated. The ring leader was a chap named "Gribsbie" on Barton Ave and he and his mob got away and the police never caught up with them for 3 months and when Tom got caught in the groceteria this mob sent money they'd got from the Hotel to bail Tom out and Tom asked for trial by Jury which doesn't set till Sept. However he's still going straight but this girl he goes with is a sister to this Gribsbie and is married with her husband overseas. Now I've learned all this by four detectives coming here at 5.30 last night and one of them happened to mention Bloor Hotel robbery and as Kathleen told Mom and I about Tom being in a jam regarding some store on Bloor and my meeting Margaret and asking her about Tom and she said Tom was out on bail, but after seeing Tom several times on Bloor and read nothing connected with him in paper Mom and I thought it lies. Well I asked Detective who robbed the groceteria and he said a chap by the name of T.E. on St Clair and well Mel I nearly passed out. Well I asked to speak to this detective alone so others left and I told him Tom was my nephew and you were overseas, so he opened up and told me about Tom and how tough he was, but that he was still working and keeping steady company with this dame and he'd been behaving O.K. I asked if he'd get sent down and he said "certainly" and that Tom knew he would. They said they couldn't get anything on Tom in regard to Bloor Hotel but all these break-in gangs have this Jewish lawyer 'Harold Chaplain' and who lives on 114 Elm . He's a shyster, gets paid for his cases by kids pulling jobs to pay him. He phoned Mom up to go bail for Tom one time and Greg told him he'd come down to his home and he then got scared and left us alone. He bothers Pearl for money but gets nowhere. Now Mel I just hated to tell you about Tom but felt you'd think me sneaky. No one could feel worse about Tom than I do. I'll sign off now write later all my love Sis".

Now, coupled with that and long hours of duty, the fact that I wanted to go to France and couldn't, had a bearing in this case, in that I actually didn't know what I've been doing at times for the last 3-4 weeks, and up to that time I had a good record, was a very strict disciplinarian and the man that stood here and made those terrible accusations he made, has lied. I've never attempted at any time to bribe anyone. I went in to that place to see if I could help him and I went there and offered to be of any service I could because he was one of my men. I think now I've said enough, I think also I've explained my case and if anything I have said can be taken into consideration in your finding of this case, I will most deeply appreciate it.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B)

CHARACTER WITNESS

Capt E. WHYTE, Cdn Fire Services Officer, CMH, having been duly sworn, states:

I've now known the accused for quite some time. I've been on this job just about 2 years going around all the units checking on the fire service, therefore BOW comes under my jurisdiction. I first met the accused about 18 months ago when I came down here. He was introduced to me as the fire Sjt IC of the Fire Section. Thereafter every 3 months about I endeavoured to make an inspection and on every occasion contacted the accused and in my opinion of all the fire Sjts under my command I can say that the accused is by far the best. The fire risk is very high at BOW and there are at least two fires a week; these have always been caught because there is good fire protection laid on there. The accused has now 18 men with him and their duty is nothing else but that, and also, their duty is very important. I can only say the reason Sjt Eldridge is there is because he is the best man for the most important job.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP

THE DEFENCE IS CLOSED

PROSECUTOR'S STATEMENT ON THE FINDING

I have no doubt as to the facts in this case. The severity of the crime is one that can only be dealt with by the Court from the standpoint of degree and the evidence brought forward there seems to be no question that the offence was deliberate by the accused with his eyes open and from that standpoint it would ordinarily be dealt with with the utmost severity, though from his own evidence and from the character evidence given of which there is no question whatsoever, it shall be for the Court to decide the degree of responsibility for which he must be held accountable.

DEFENDING OFFICER'S STATEMENT ON THE FINDING

There is evidence that the accused was under the influence of liquor in connection with both charges. There is the letter from his wive which shows that the accused was greatly worried and under great mental stress which probably would explain to some extent at least his actions. There is evidence that the accused is considered to be the most valuable fire NCO in the Cdn Service. This is given by the officer from CMH, responsible for such services. On a visit recently from Brig Sager a recommendation was made that an AD officer should be present at the fire depot. Perhaps had this all been in effect and the vehicle traced during the morning there would have been no offence committed with respect to the second charge.

THE COURT IS CLOSED TO CONSIDER THE FINDING

PLEA IN MITIGATION

(NOTE ATT)

Plea in mitigation. A/Sgt. Eldridge, U.

The Court have heard the evidence which proves that the accused has a good record in civil life and is a capable N.C.O. in his A.D. duties.

The defence asks the Court to impose the minimum punishment which can be awarded for the degree of the offence committed.

A.E. Brodie, Lieut.

A.F.B. 3518 (Revised 1942)

TRANSPORT WORK TICKET

Exhibit "F"

SECTION: No.2. AIR DEFENCE

W.D. No. 624209900

MONTH: 9/0

MAKE OF VEHICLE: CHEV. | CLASS: 15 CWT | UNIT:

DATE (1)	FOR WHAT JOURNEY PERFORMED (2)	DETAILS OF LOAD (3)	ROUTE From (4)	ROUTE To (5)	ROUTE Via (6)	SIGNATURE OF PERSON AUTHORIZING JOURNEY (7)	LUBRICATING OILS Type (8)	LUBRICATING OILS Pints (9)	FUEL GALLONS At Start (10)	FUEL GALLONS Drawn (11)	FUEL GALLONS At End (12)	FUEL GALLONS Used (13)	TIME Out (14)	TIME In (15)	SPEEDOMETER In (16)	SPEEDOMETER Aux (17)	SPEEDOMETER Day (18)
			Brought forward from Work Ticket No.				A								10769		
1.	A. Conveyance of Unit	A.D.	Bordon	Area	Return	J.A.Everest	Capt.		22	2	24	0	—	—			
2.	C.	A.D.	Bordon	Area	Return	J.A.Everest	Capt.		24		22	2	0900	0900	10782	13	
3.	D.	A.D.	Bordon	Area	Return	J.A.Everest	Capt.		22		20	2	0900	0900	10795	13	
4.	F.	A.D.	Bordon	Area	Return	H. Westcott	Lt.		20		18	2	0900	0900	10806	11	
5.	G.	A.D.	Bordon	Area	Return	J.A.Everest	Capt.		18		17	1	0900	0900	10816	10	
6.	H.	A.D.	Bordon	Area	Return	J.A.Everest	Capt.		17		16	1	0900	0900	10834	18	
7.	K.	A.D.	Bordon	Area	Return	J. Slater	Lieut.		16		15	1	0900	0900	10844	10	
8.	M.	A.D.	Bordon	Area	Return	J. Slater	Lieut.		15		13	2	0900	0900	10854	10	
9.		A.D.	Bordon	Area	Return	J. Slater	Lieut.		13	10	22	1	0900	0900	10866	12	
10.		A.D.	Bordon	Area	Return	J. Slater	Lieut.		22		13	9	0900	0900	10936	70	
			Bordon	Area	Return	J.W. Mercer	Lieut.		13	9	21	1	0900	0900	10950	14	
							M		21				0900	0900			
									22	21	21	22	—	—	10950	181	

Certified a true copy of the original Exhibit

M.P.G. for week

or totals carried over.

SUMMARY OF EVIDENCE

in the case of

B-83934 A/Sgt. Eldridge T.W.M., Royal Canadian Ordnance Corps, on strength at MT Tech. Stores Coy., 1 Cdn. Central Ord. Depot, a soldier in the Canadian Army Overseas.

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

FIRST WITNESS for the prosecution

D-167471 Pte. Gasperec K.C., R.C.O.C., attached to MT Tech. Stores Coy., 1 C.C.O.D., a soldier in the Canadian Army Overseas, having been duly sworn, states:

We started drinking about 1030 hours on the morning of Saturday, Sept. 9th, 1944, Pte. Pitre, Blackie (Pte. Weishaupt), Sgt. Eldridge, and myself. We went to several pubs in the Fire Truck. At approximately 1430 hours we came back to the Fire Hall. I then went over to the bushes by the ball diamond to drink a bottle of Scotch I had received from home. After supper Pte. Pitre and I went to the Sgts. Mess to pick up a soldier with a moustache. I don't know his name, but I would know him again if I saw him. After that we went back to the Fire Hall and went out again to go to a pub with Sgt. Eldridge, Pitre, Blackie, the soldier with the moustache, and myself, with Pte. Pitre driving.

Before we arrived at a pub we hit a bus. I do not know where it happened, but it was somewhere on the highway. We had been following the bus and Pte. Pitre tried several times to pass, but each time the bus driver did not make room. Pte. Pitre blew his horn several times. At last he turned out to the right and was passing the bus. As he was passing the bus I felt we hit something. Our truck swerved into the ditch on the left hand side of the road, but pulled out again without stopping. We turned into a lane and stopped and got out. There was nobody else in the truck, but Pitre and myself. We waited about ten minutes, then turned around and went to a pub. At the first pub we met Blackie. While we were there Sgt. Eldridge and the soldier with the moustache came in. After that we went to another pub. Blackie, Pitre and myself then went to a third pub where we had a few drinks. We were told that there was a policeman outside to see us. The policeman talked to Pitre. The policeman did not talk to Blackie or to me. After the questions we got back in the truck and went to two more pubs. When leaving we picked up two soldiers and returned to the pub where we had left Sgt. Eldridge and the soldier with the moustache. They got in and we drove home, letting off the other soldiers near the Base Workshop quarters. When we arrived at the Fire Hall Pitre, Blackie and I were in the front and I got out, and Pitre, and Blackie drove off. I went to the Fire Hall and a Staff Sergeant was there. When the truck was backing up I noticed three Provosts.

The Accused declines to cross-examine.

K.C. Gasperec

D167471 Gasperec K.C.

SECOND WITNESS for the prosecution

E-5314 Pte. Pitre J.E., Royal Canadian Ordnance Corps, on strength of MT Tech. Stores Coy., 1 C.C.O.D., a soldier in the Canadian Army Overseas, having been cautioned that he need not say anything, give any evidence or make any statement that may tend to incriminate him and having been duly sworn, states:

On Saturday morning, 9th Sept. 44, some time after 1000 hours, Sgt. Eldridge, whom I now recognize, asked who would like to go for a drink, and Pte. Weishaupt, Gasperec and I went with him. He told me to drive the truck to the pub. After we got to the Red Lion, which is in Oakhanger, we had one drink each and then went to the Woolmer Hotel. We stayed there until closing time, 1400 hours, and then returned to the Fire Hall in Bordon. We had something to eat, and I then stayed around the Fire Hall till about 1800 hours, at which time I was told by Sgt. Eldridge to go up to the Sgts. Mess for SQMS Warren, which I did, and then returned to the Fire Hall. Sgt. Eldridge and Weishaupt got in the back of the truck with SQMS Warren, with Gasperec in the front with me. He then told me to go to the same pub we were in in the morning, the Woolmer. On the way between Bordon and Petersfield we had an accident with a bus, the truck went into the ditch on the left hand side of the road. As I came out I slowed down to stop, but I was told to go ahead by Sgt. Eldridge. After that we kept going until we got to the other side of the Woolmer Hotel. Eldridge told me to stop and let them off. After I stopped Sgt. Eldridge, SQMS Warren and Pte. Weishaupt got off. He then told me to put the truck in a side road, and come back ten minutes after. I drove the truck in a side road with Gasperec, stayed there for about ten minutes and then came back to the Woolmer Hotel, at which I found only Pte. Weishaupt. Sgt. Eldridge and SQMS Warren joined us there later. We had a couple of drinks there and then moved up to the Star Hotel, and the five of us went in. I heard somebody talking about the accident when they noticed the truck in the yard. We went down the road to another pub, and then a constable came in and he asked for the driver of the truck. I told him I was the driver, so he told me a constable wanted to see me outside. After I went out he asked me if I was the driver of the truck, and I said yes, at the time. He took my particulars, he also asked me for the Work Ticket. I showed it to him, and he told me I would hear more about it. I turned the truck around and we came back towards Bordon. We stopped in a hotel and had a few drinks. From there we came towards home. I stopped at the Star pub, and picked up SQMS Warren and Sgt. Eldridge and a couple of other soldiers. I came along to the entrance of C.T.S. where I left the two soldiers off. From there I came down to the Fire Hall, I stopped and left Pte. Gasperec off. I was then told to drive Sgt. Eldridge and SQMS Warren to the Mess by Sgt. Eldridge. When I got to the Mess I stopped to let them off. Just then two Provosts drove up and told me to turn the truck around and drive back to the Fire Hall, which I did. When I got to the Fire Hall they asked me to show them my pay book, which I did not have. I had Part II from which they took my name and number. The Orderly Sgt. put me under arrest, and took me to the Guard Room.

Questions from the Officiating Officer:

Q.1 How can you be sure it was Sgt. Eldridge who ordered you to go ahead after the accident?

A.1 Because I know his voice.

Q.2 When you left the Fire Hall in the morning was Sgt. Eldridge drunk or sober?

A.2 Sober.

Q.3 When you left the Fire Hall in the evening was he drunk or sober?

A.3 I would say he had been drinking heavily.

The Accused declines to cross-examine.

J. E. Pitre

J. E. Pitre

THIRD WITNESS

for the prosecution

Capt. R. U. Niven, Royal Canadian Ordnance Corps, an officer on the strength of MT Tech. Stores Coy., 1 Cdn. Central Ord. Depot, an officer in the Canadian Army Overseas, having been duly sworn, states:

I was Duty Officer, on Saturday, 9th Sept. 1944, and was notified of an accident involving Unit Fire Truck CZ-4209900. I did not at any time during my Tour of Duty sign a Work Ticket for this vehicle.

R. U. Niven Capt.

R. U. Niven

FOURTH WITNESS

for the prosecution

Lieut. J. Slater, Royal Canadian Ordnance Corps, an officer on the strength of MT Tech Stores Coy., 1 Cdn Central Ord Depot, an officer in the Canadian Army Overseas, having been duly sworn, states:

I am acting Unit Transport Officer of MT Tech Stores Coy, 1 CCOD. I authorized WD Veh CZ-420900, which is used on air defence or fire truck; the only other person who can send it out on duty is the Duty Officer. I recognize this work ticket as it is the only work ticket issued for that vehicle on Sep 9, and I note that the mileage travelled according to this work ticket is seventy miles whereas the actual mileage runs about 15 miles per day. I know of no reason why the mileage should be increased. I produce herewith Transport Work Ticket U.81 (Exhibit "A").

The Accused declines to cross-examine.

J. Slater Lieut.

J. Slater

FIFTH WITNESS

L-53531 Tpr Weishaupt, T. Royal Canadian Armoured Corps, a soldier on the strength of MT Tech Stores Coy, 1 CCOD, (attached fap), in the Canadian Army Overseas, having been duly sworn, states:

Around 1000 hrs 9 Sep 44 I was on duty at the unit fire hall. Sgt Eldridge asked if anyone wanted to go for a drink. Pte Gasperec, Pte Pitre and myself said we would go and we all got in the truck and Sgt Eldridge said, "Let's go to a pub" or something similar to that. We got in the vehicle and away we went to one pub where no hard liquor was being served and then went to another pub where we stayed until closing time, about 1400 hrs.

We returned to the fire hall, arriving here about 1430 hrs.

Around 1800 hrs I was in front of the fire hall and the same fire truck, CZ-420900 came down from the direction of the Sergeants' Mess. Sgt Eldridge said, "Let's go for a drink". There were Pte Pitre, behind the wheel, Gasperec in beside him, and SQMS Warren in the back with Sgt Eldridge and myself.

As we were travelling along the road I heard and felt a crash, the truck swerved inth the ditch on the left-hand side of the road. I could see a bus in the ditch behind us. The truck pulled out of the ditch without stopping. We went past the pub where we had been/

FIFTH WITNESS (Cont'd.)

where we had been / in the morning and the truck stopped and the three of us in the back got off. The three of us went back to the pub, and the truck went on down the road. We went to the pub but it was closed. I stayed at the door and Sgt. Eldridge and SQMS Warren walked away in the direction of where the accident had occurred. The pub opened up and I went inside and had one or two drinks, and then Sgt. Eldridge and SQMS Warren came in and we were drinking. Then the truck came back and we all got in and went to another pub because some of the people in the pub were talking about the accident and I did not feel welcome. I told Pitre to come with me and we went to a pub up the road. While we were having a drink at this third pub the civilian police called for the driver of the truck and talked to Pitre. After Pitre came back from the cop we started back, but as the civilian police were following us we stopped at another pub.

After having a drink or two werwere coming back towards Bordon and we came past the pub where Sgt. Eldridge and SQMS Warren were and Pitre stopped and they yelled; they joined us at this pub and got on the truck. Several others got in too. We came to Bordon and stopped to let the other soldiers off near the B.W. lines. Then we drove on to the Fire Hall. I am not sure whether we stopped at the Fire Hall, but we did go to the Sgts.' Mess. We stopped and there were two Provosts and motorcycles there, one of whom complained about the lights and then said, "Follow me" and escorted the truck back to the Fire Hall.

I then went to my quarters.

The Accused declines to cross-examine.

J. Weishaupt
J. Weishaupt

SIXTH WITNESS for the prosecution

Capt. J. A. Everest, Royal Canadian Ordnance Corps, on strength of MT Tech Stores Coy., 1 C.C.O.D., an Officer in the Canadian Army Overseas, having been duly sworn, states:

I am the Transport Officer at MT Tech Stores Coy., 1 C.C.O.D. Vehicle No. CZ-4209900 is a vehicle held by this Unit, for which I hold a ledger account. It is assigned to A.D. Duties for the purpose of fire fighting and Air Defense, in the Bordon Area.

Questions from the Officiating Officer:

Q.1 Under what, if any, circumstances would that vehicle leave the Bordon Area?
A.1 Only if ordered out by the Bordon Fire Marshall.

Q.2 Is Oakhanger Village within Bordon Area?
A.2 No.

Q.3 Is Woolmer within the Bordon Area?
A.3 No. Longmoor Camp intervenes between Bordon & Woolmer.

SIXTH WITNESS - Questions from the Officiating Officer.
(Cont'd.)

Q.4 Is there any order prohibiting the use of W.D. vehicles to carry military personnel to public houses?
A.4 Yes, MT Drivers Regulations, para. 44b, sub-para. 4, specifically prohibits the use of vehicles for this purpose.

Q.5 That Section deals with recreational transport does it not?
A.5 Yes.

Q.6 Is Vehicle CZ-4209900 authorised for recreational use at any time?
A.6 No.

The Accused declines to cross-examine.

J. A. Everest CAPT.
J. A. Everest

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 against you.

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

I certify that the foregoing Summary of Evidence, consisting of five 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.

Major
Officer detailed to take the Summary of Evidence.

Bordon, Hants,
15 Sept 44.

ARMY FORM B.296.

Statement as to Character and Particulars of Service of Accused.

Number.	*Rank.*	*Name.*	*Regiment (or as the case may be).*
B.83934	Cpl.(A/SGT)	Eldridge, T.W.M.	MT Tech Stores Coy, 1 CCOD.

1. The following is a fair and true summary of the entries in the ~~regimental conduct sheet or conduct~~ company conduct sheets† of the accused, exclusive of convictions by a court martial or a civil court, of summary awards under section 47 of the Army Act, and of cases in which trial has been dispensed with :—

NOTE.—At a trial by field general court martial this summary may be compiled from the field conduct sheet.
The conduct sheet(s) mentioned should be produced in court with this statement but not annexed to the proceedings.

† See para. 677, K.R., 1940.

* The numbers herein stated should correspond with the number of *entries* in the conduct sheets, prominence being given to the most serious offence in each entry, and to any recognised special acts of gallantry or distinguished conduct.

INSTRUCTION.—If the charge is for drunkenness the entries for drunkenness must be stated separately and dated.

	* Within last 12 months.	*Since Enlistment.
For Sec.40 AA	nil times	one times.
For	times	times.
For	times	times.
For	times	times.
For	times	times.

~~Nature of offences of which convicted~~

or

~~There are no entries in the regimental conduct sheet~~

2. The accused has not been previously convicted.

~~2. The accused has not been previously convicted.~~

~~The particulars of the accused's previous convictions by a court martial or a civil court, summary awards under section 47 of the Army Act, and dispensations with trial under section 72 of the Army Act, are set out in the schedule annexed to this statement.~~

3. The accused is not under sentence at the present time, ~~or The accused at the present time is under sentence of~~

~~imprisonment~~ ~~for~~ ~~days~~ ~~of~~

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

5. The present age of the accused according to his ~~record of service~~ ~~attestation paper~~ is 45 years, 1 month, 24 days (27 July 1899)

6. The date of his ~~enrolment~~ ~~attestation~~ specified in his ~~record of service~~ ~~attestation paper~~ is 10 Sep 39

7. ~~The accused is not entitled to accumulated deferred leave in respect of~~

8. ~~The accused is entitled to deferred pay or gratuity in respect of~~ ~~service~~

9. ~~The accused is entitled to~~ ~~service~~ ~~for the purpose of determining the pension~~

10. The accused is in possession of, or entitled to ~~any decoration or military reward which is in possession of~~ Cdn. Vol. Ser. Medal & Clasp, 15 Jan 44
Cdn. Efficiency Medal, General Service and Victory Medal.

11. ~~If the accused is a warrant officer.~~ The accused before he was made a warrant officer last held the regimental ~~rank~~

12. ~~The accused is in the army the rank of~~ ~~dated~~ ~~The accused's conduct in respect of duty in the rank~~ ~~dated~~

(*25800) WL34898/1730 20,000 10/43 A.& E.W.Ltd. Gp.698
(26906) WL33934/1400 12,000 3/44

E7 B
RM

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. B.83934 Rank Cpl.(A/Sgt.) Name Eldridge, T.W.M. of MT Tech Stores Coy, Regiment (or as the case may be).

(INSTRUCTION—A verbatim extract from the regimental books, stating these convictions and dispensations with trial, must be inserted.)

Description of court by which tried, or status of officer disposing of the charge or dispensing with trial	Date and place of trial, or summary award under A.A. 47, or of order dispensing with trial	Charges upon which convicted, or in respect of which trial was dispensed with.	Sentence of the court or authority disposing of the charge, or order of the dispensing authority.	Punishment remitted.

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 3rd day of Oct 44

(H.A. Campbell) Major,
A/O.C., MT Tech Stores Coy,
1 Cdn.C.O.D., RCOC.

13. The accused has served as a non-commissioned officer continuously, without reduction, to the present date.

	Date of Promotion.
In the rank of Sgt. 1 year 9 mos.	12/10/39
In the rank of Cpl. 7 mos.	14/ 7/41
In the rank of Sgt.	16/ 2/42
In the rank of Cpl. 1 mos.	17/ 3/42
Sgt. 1 year 2 mos.	11/ 5/43

(INSTRUCTION—If any matter in any of the above paragraphs cannot be verified from the regimental books the paragraph should be struck through, except that in the case of a trial by field general court-martial the information may be collected from such sources as are available and the paragraphs corrected accordingly.)

No. B.83934 Name ELDRIDGE, T.W.M. | Sqn, Battery, or Company | Corps R.C.O.C. | Date of enlistment 10-9-39 | GC Badges | Service or Proficiency Pay | 3/17 MFM 6 (AFB 122) 40/Forms/138 (5)

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 1 | Signature OC Company, etc (Sgd) F.T. Westwood, Lt. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
On 10-9-41 this soldier having completed 2 years service and in accordance with R.O. 319 CASF. previous sheet having no entries was destroyed.									
Field	11-4-42	Sgt		WOAS. Sec 40. In that he used W.D. Vehicle CM 195376 and petrol for Private purposes.	Capt. Short Pte. Cross W	Reverted to Cpl at own request. Certified True Copy (H. Westcott) Lieut., Regt'l Offr., MT Tech Stores Coy, 1 Cdn. COD. Officer having custody of all Regt'l Books.			

Exc

(PTO)

LIST OF WITNESSES
FOR THE PROSECUTION

1. D-167471 Pte. Gasperec K.C.,
   1 C.O.M.E.R.U.,
   Att. MT Tech Stores Coy.,
   1 Cdn. C.O.D., R.C.O.C.

2. E-5314 Pte. Pitre J.E.,
   MT Tech Stores Coy.,
   1 Cdn. C.O.D., R.C.O.C.

3. Capt. R. U. Niven,
   MT Tech Stores Coy.,
   1 Cdn. C.O.D., R.C.O.C.

4. Lieut. J. Slater,
   MT Tech Stores Coy.,
   1 Cdn. C.O.D., R.C.O.C.

5. L-53531 Tpr. Weishaupt,
   1 C.A.C.R.U.,
   Att. MT Tech. Stores Coy.,
   1 Cdn. C.O.D., R.C.O.C.

6. Capt. J. A. Everest,
   MT Tech Stores Coy.,
   1 Cdn. C.O.D., R.C.O.C.

LIST OF WITNESSES
FOR THE DEFENCE

1. K.62617 L/Cpl. Plamonden, H.,
   M.T. Technical Stores Coy,
   1 Canadian Central Ord. Depot.

2. B.18519 L/Sgt. Livock, A.E.,
   M.T. Technical Stores Coy,
   1 Canadian Central Ord. Depot.

3. Capt. E. White,
   Q.M.G. Branch, C.M.H.Q.,
   Wolsley House, London.

5/Court Martial/20
21 September, 1944

Commandant,
1 Cdn.C.O.D.

DEFENDING OFFICER
B.83934 A/Sgt. Eldridge, T.W.M.

Lieut. A.E. Brodie, No.3 Cdn. Gen. Pioneer Coy, has agreed to defend A/Sgt. Eldridge.

for (F.Steele) Lt.-col.,
Officer Commanding,
MT Tech Stores Coy,
1 Cdn.C.O.D., RCOC.

DRLS/HAND/POST
Time of signature.....hrs.

REQUEST BY THE ACCUSED FOR AN OFFICER TO REPRESENT HIM BY TRIAL

I, B.83934 Cpl.(A/Sgt) Eldridge, T.W.M., desire to have an officer assigned by the convening officer to represent me at my trial by Court Martial.

Thos. Eldridge

(B.83934 Cpl.(A/Sgt) Eldridge, T.W.M.)
M.T. Tech. Stores Coy, 1 Cdn.C.O.D.

16 Sep 44.

-

I hereby acknowledge receipt of one (1) copy of the Summary of Evidence and one (1) copy of the Charge Sheet, from the Regimental Officer, M.T.Tech.Stores Coy, 1 Cdn.C.O.D.

Thos. Eldridge

(B.83934 Cpl.(A/Sgt) Eldridge, T.W.M.)
M.T. Tech. Stores Coy, 1 Cdn.C.O.D.

16 Sep 44.

Exhibits
1 Certified copy of Transport Work Ticket #081

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT

FIELD GENERAL COURT-MARTIAL

ELDRIDGE, WALTER WINFRED B-[illegible] E.

15-1-67

EXAMINED

SCHEDULE.

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

Accused: B.94264 Pte Eldridge, W.W. 1 Cdn Adm Tpt Coy RCASC.

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA Sec 15(1)	Guilty	Guilty	

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

At present under sentence for ..... beginning on (date) ..... (1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 21 days, of which NIL days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To forfeit all ordinary Pay for a period of Forty Five (45) days.

(Sgd) ..... 30 Oct/45 (Sgd) .....

Judge-Advocate, if any. Date awarded. President. (RP 45, 50.)

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

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

Date ..... (Sgd) ..... Commanding .....

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

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

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

Confirmed

I ~~direct that the accused be not committed to prison or detention barracks until further orders.~~(1) JHC

(1. AA 57A. Delete if not used.)

Date 31 OCT 1945 (Sgd) ..... Brigadier
Commanding "C" Group.
Commanding Cdn. Reinforcement Units
Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Can 576, 577.)

Accused.	Date.	Signature of Offr.
B94264 Pte Eldridge WW	2 Nov 45	J A McKay Lt

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CMHQ IN AB [illegible]

54-150

FIELD GENERAL COURT-MARTIAL

CFA95 (In lieu of AFA8) 40/P & S/1098 (8144) 4/388

RECEIVED 12 NOV 1945 JAG BRANCH C.M.H.Q.

Convened by Order of Brig. E.C. Plow, CBE, DSO Comd "C" Gp. CRU dated 26 Oct 45.

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) apprnt, A/rank or A/apprnt, 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.	Surname.	Unit.
B.94264	PTE		Walter Winfred	ELDRIDGE	1 Cdn Adm Tpt Coy RCASC

PROCEEDINGS REVIEWED R Lawrence Capt REVIEWER, JAG BRANCH C.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) ENGLAND on (date(s)) 30 OCT 45

12 hrs 45

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, ~~waiting Member, JA, if any, and Offrs under instr, if any~~, assemble, and the Court is closed.

(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 NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc, which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(~~s~~) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is ~~(are)~~ amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is ~~(are)~~ brought before the Court. At 1430 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is ~~(are)~~ 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 summarily by the CO.~~(2)

(1. KR Can 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: ~~Do you object to ..... as interpreter? Ans .....~~

~~The Interpreter is sworn.~~(1) Do you object to C/Cllr T.Sgt BOURBEAU as shorthand writer? Ans NO SIR. The shorthand writer is sworn.(1)

(1. RP 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 SIR.(2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, ~~JA, if any, and Offrs under instr, if any~~, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	LT-COL	D.L. REDMAN VD	HQ CRU
Member	MAJOR	G.W. THOMPSON	1 C.G.R.U.
Member	CAPT	D.L. WAGNER	1 C.G.R.U.
~~Judge-Advocate~~			
Prosecutor	LIEUT	F.A. McKAY	1 CDN ADM TRT COY RCASC
Defending Offr	CAPT	D.L. McJANNET	1 CDN ADM TPT COY RCASC

Questions by President: Is the Prosecutor a lawyer? Ans NO. Is the Defending Offr a lawyer? Ans NO.(2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.) (2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See DI p 3.)

A8. The accused ..... before arraignment make(s) (no) (~~s~~) plea .....(1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 14, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RsP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is ~~(are)~~ arraigned ~~(separately)~~ on all charges in the charge sheet.(1) The accused does ~~(do)~~ 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, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court ~~(is closed and)~~ considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form B.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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 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.

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).

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; *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(s)(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(s), 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 plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), 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 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.(4)

President to accused: Do you wish to make a statement? Ans. NO SIR.(5)
(1. *RP 37(B).* 2. *RP 37(D) fn 6.* 3. *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 Notes.*)

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 he (they) change(s) his (their) plea(s) on.....charge(s). Part I of the Schedule is amended accordingly.~~
(1. *Court may be closed to consider the statement. Delete whole or 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. *RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.*)

B5. The Summary of Evidence is marked Ex. A, initialled and read aloud by the President.(1)
(1. *If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p 3. RP 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.(1)
(1. *RP 37(A) (E).*)

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 Record Form B above.(1)
(1. *Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate sheet.*)

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 3.

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.

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 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)
(1. *If "yes", see RP 39(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. *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.(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).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that 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 the latter charge(s).(4)
(1. *Delete remainder of this para, if submission not made.* 2. *Arguments on submission, answer and reply are recorded per Notes.* 3. *RP 40 fn 1. 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 D8.)*
NB: If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on 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 yourself on oath 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 sworn, 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 neither.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? Ans.....
Do you intend to call witnesses on your behalf? Ans.....
Are they witnesses as to character only? Ans.....
(1. *RP 115.* 2. *RP 40(A), see 80(D).* 3. *RP 40 fn 10.* 4. *RP 40 fns 2, 9.*)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(1. *RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 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.(2) The Court is re-opened.
(1. *RP 43, 117(A). See Notes in Part I 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.(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.(2)
(1. *AA 54(3) (6), RP 45, 120(A).* 2. *AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B 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 accused: Do you wish to give evidence yourself or to call any witnesses as to your character?(1)
Ans. NO-SIR
(1. *If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.*)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (~~copies~~) of Conduct Sheet(s)(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(l) (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 marked Ex. B and Ex. C respectively.(3)
(1. *MFB 355 or AFB 296.* 2. *MFM 6.* 3. *RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.*)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment?(1) Ans. Yes, I will. NOTE-MADE.(2)
(1. *RP 37(C), 46(D).* 2. *Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 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 proceedings in open court are accordingly terminated.(1)
(1. *AA 54(6), RP 120(A).*)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him ~~and the JA, if any.~~(2)
(1. *When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 130, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 330, 543-546, Overseas RO 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(18), 68(1), KR Can 564.* 2. *RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see Instrs on back of Convening Order.*)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET

The accused, B94264 Pte ELDRIDGE, Walter Winfred No. 1 Cdn Administrative Transport Company, RCASC, a soldier of the Canadian Army Overseas, is charged with:

FIRST CHARGE
Sec. 15(1) AA

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

At Knepp Castle, Horsham, Sussex, England, did absent himself without leave from 2359 hours 23 Sep 45 until surrendering himself at 0830 hours 8 Oct 45.

(Total time absent 14 days, 8 hours, 30 minutes)

Farnborough, Hants
10 Oct 45.

J.H. Ziegler, Lt-Col.,
Commanding Officer,
No. 1 Cdn. Adm. Tpt. Coy.,
RCASC CA (O).

To be tried by Field General Court Martial

Brigadier
Commanding., "C" Gp., Cdn Reinforcement Units.
In the field (Convening Officer)
26 Oct 45.

2359
8 Oct
19-8-31

2359
0830

FIELD GENERAL COURT-MARTIAL

(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 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. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML 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 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) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
B.94264	PTE		Walter Winfrd	ELDRIDGE	1 Cdn Adm Tpt Coy. RCASC

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 (have) committed the offence(s) set forth in the Charge Sheet(s) attached and on (*date*) this date endorsed by me, (or by a Commissioned Officer under my command), "To be tried by Field General Court-Martial".

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; [and that it is not practicable to delay the trial for reasons connected with discipline.]

(Delete part in brackets when not required for compliance with RP 105(C).)

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

4. I am unable to appoint [an Officer from the Country (or Countries) of which the Officers and Men of the Unit to which the accused belong are nationals] because [it is not practicable to do so without detriment to the service].

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. I [do not appoint any Judge Advocate for the reason that no Officer is available].

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

(Rank.)	(Must be named. RP 106.)	(Unit.)
Lt-Col.	D. L. Redman, VD	HQ CRU

MEMBERS.

(Rank.)	(Named or detailed. RP 106.)	(Unit.)
Major	To be detailed by OC	1 CGRU
Captain	To be detailed by OC	1 CGRU

[WAITING ORDERLY].

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

[JUDGE ADVOCATE].

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England (Country.) — Z. L. Phan (Signed personally. RP 105 fn 2.) — Brigadier (Rank.)

Dat 26 Oct 45. — Commanding "C" Group., Cdn Reinforcement Units. Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleaf for oaths and notes for use on trial.)

1330-30 Oct 45.

NO. 1. CDN. ADMINISTRATIVE TRANSPORT COMPANY R.C.A.S.C. C.A.(O).

Medical Officer's Certificate
K.R. (Can) Para 557

I certify that I have this morning examined No. D.94744 Pte. Eldridge. W.H.
(rank) (name)
of Lille. Bks. and in my opinion he is fit ~~unfit~~ to undergo
trial by Court Martial.

Station Farnborough

Date 30 Oct 45

Sgd. J.W. Jones Capt.
(Medical Officer)

PLEA IN MITIGATION FOR B-94264 Pte ELDRIDGE, W.W.

I would like to place the following facts before the Court for their perusal before passing sentence:-

Pte Eldridge enlisted in Sept 1940 and arrived Overseas on 25 Dec 1940 with the 2nd Cdn Division. Although his documents show his age as 42 - he is, in actuality, 46 and therefore overage.

Eldridge served with 2 Cdn Div Amn Coy RCASC until shortly before his unit moved into action in France last summer - He was left behind, too old, an old man in a young man's war.

The arrival of his friends and old comrades in England on their way home from the wars coupled with the news that his Mother is very seriously ill (I submit for your knowledge this letter from his sister) were too much for him and we have as the result the old story and a pathetic one to us all now, for here to-day stands a man, overage, having 198 Repatriation Points - in the shadow of disgrace and in danger of being confined in Military Detention perhaps until it is too late to ever see his Mother again.

Therefore in the light of this disheartening condition I would plead with this Court to extend to Pte Eldridge all the leniency and mercy possible.

30 October 1945

(B.L. McJannet) Capt

E-3

SUMMARY OF EVIDENCE

Summary of Evidence in the case of B94264 Pte ELDRIDGE, Walter Winfred No. 1 Cdn. Administrative Transport Company, RCASC, a soldier of the Canadian Army Overseas.

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

Under provision of Overseas Routine Order 5362 the following documents are presented as evidence:

(a) Copy of Daily Orders Part II No. 118 dated 3 Oct 45
(Marked Appx. "A") Issued by No. 1 Cdn. Adm. Tpt. Coy., RCASC.

(b) Copy of Daily Orders Part II No. 122 dated 12 Oct 45.
(Marked Appx. "B") Issued by No. 1 Cdn. Adm. Tpt. Coy., RCASC.

The above documents have been read to and shown to the accused.

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 declined to make a statement and reserves his defence.

I certify that the foregoing Summary 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) (D) (E) (F) and (G) have been complied with.

F.A. McKay

Farnborough, Hants.
20 Oct 45.

(F.A. McKay) Lieut.,
Officer detailed to take the Summary of Evidence.

EXA

APPENDIX "A"

NO 1 CDN ADMINISTRATIVE TRANSPORT COMPANY, R.C.A.S.C. C.A.(O)

PART II ORDERS

Last D.O. No 117
1 Oct 45

BY

D.O. No 118
3 Oct 45

LT. COL. J.H. ZIEGLER, E.D. COMMANDING OFFICER

SECTION "A"

1. HONOURS & AWARDS

(a) Lieut James Donald Alfred CULLEN — Awarded the Defence Medal. (Auth: R.C. 5930)

2. STRENGTH DECREASE

(a) Lieut Frank Edmund STEPHEN — SOS to 1 CGRU wef 3 Oct 45. (Auth: A-1978 CRU(Pers) d/2 Oct 45.

SECTION "B"

1. STRENGTH INCREASE

(a) D-146609 Pte Boisvert, P.A. — TOS from Y-3 List 1 CGRU wef 27 Sep 45. (Auth: (CMHQ CL-83 d/13 Jan 44)

(b) The u/m personnel TOS from 1 CGRU wef 30 Sep 45. (Auth: 408/1 CGRU/1(PTA) d/26 Sep 45.) (Auth: S/Supy Post/1/2 d/19 Jul 45).

L-3350 L/Cpl Boucher, P.A. (Dvr Mech MV "C")
M-54782 Pte Dixon, G.E.
H-63686 Tpr Johnson, R.C.O. (Mot Mech "C")
F-[illegible] Spr Killam, A.G. (Dvr Mech "C")
A-67858 Pte Loupos, D.C. (Dvr Mech "C")
B-116766 Pte Poliquin, H.L.
H-102676 Tpr Coulter, C.W.H. (Dvr Mech "C")
D-143796 Pte Fortin, L.A.
D-127600 Pte Keegan, D.A. (Dvr Mech "C")
B-59636 Pte King, W.J. (Dvr Mech "C")
B-105014 Pte Scott, R.G. (Dvr Mech "C")
M-28836 Pte Simpson, W.
L-36549 Pte Ritco, M. (Dvr Mech Tk "C")

(c) The u/m personnel TOS from 2 CGRU wef 1 Oct 45. (Auth: 408/2 CGRU/1(PTA) d/14 Sep 45) (Auth: S/Supy Post/1/2 d/19 Jul 45)

B-22749 Gnr Brett, H.E.
G-49841 Gnr Boudreau, R.J. (Dvr Mech "C")
H-103360 Tpr Hawkins, T. (Dvr Mech Tk "C")
F-2878 Pte Campbell, R.A.
M-102454 Tpr Houck, A.M. (Dvr Mech "C")
F-56483 Cpl Ockley, C.A. (Dvr Mech Tk "C")
A-108366 Sgmn McKeague, H.L.

(d) The u/m personnel TOS from No 3 Cdn Repot Depot wef 1 Oct 45. (Auth: 444/Repot Deferred/1(org) d/27 Sep 45) (Auth: S/Supy Post/1/2 d/19 Jul 45.)

K-70298 Pte Case, E. (Dvr Mech MV "C")
B-23455 Cfn Klassen, L.E.C. (Dvr Mech MV "C")
B-79114 Cpl McCarthy, W.H.

(PTO)

1. STRENGTH INCREASE (Continued)

(e) D-116007
Pte Howard, K.R.
TOS from desertion, on being apprehended by Civil Police at Chelmsford, Essex at 0945 hrs 28 Sep 45.

(f) H-77315 (Dvr Mech "C")
Gnr Jordan, A.A.
TOS from No 3 Cdn Repat Depot wef 2 Oct 45. (Auth: 444/Repat Deferred/1(org) d/27 Sep 45) (Auth: S/Supy Post/1/2 d/19 Jul 45)

(g) B-80706 (Dvr Mech "C")
Pte Kendall, K.W.
TOS from 2 CGRU wef 30 Sep 45. (Auth: 405/2 CGRU/1(PTA) d/14 Sep 45) (Auth: S/Supy Post/1/2 d/19 Jul 45)

(h) The u/m personnel TOS from 2 CGRU wef 1 Oct 45. (Auth: 405/2 CGRU/1(PTA) d/29 Sep 45) (Auth: S/Supy Post/1/2 d/19 Jul 45.

B-133862 Pte O'Keefe, W.L. E-42740 Pte Robey, D.
B-83725 Gnr Pearson, H.J. C-123057 Pte Poirier, E.A. (Dvr Mech MV "C")

(i) B-56010
Pte Schwartz, L.L.
TOS from V-3 List 1 CGRU wef 27 Sep 45. (Auth: CMHQ CL-83 d/13 Jan 44)

(j) AMENDMENT
insofar as it refers to the u/m is amended as follows:-
DELETE: D-102588
SUBS: E-102588
D-102588 Pte Beaumont, D.

(l) AMENDMENT
insofar as it refers to the u/m is amended as follows:-
DELETE: Fitter MV "C"
SUBS: Dvr Mech MV "C"
B-32801 Spr Lynn, G.W.

2. ATTACHMENTS

(a) D-146609
Pte Boisvert, P.A.
Att fsp to No 17 Cdn Gen Hosp wef 27 Sep 45.

(b) L-8350
L/Cpl Boucher, E.A.
Att fsp to No 1 Cdn Med Centre wef 2 Oct 45.

(c) M-8366
Cpl Burgess, R.E.
Cease att fsp to HQ Cdn Const Engrs wef 1 Oct 45.
Att fsp to No 15 Cdn Base Dental Coy wef 2 Oct 45.

(d) A-104604
Pte Chipchase, W.J.
Att fsp to No 5 Cdn Mil Prison & Detn Bks wef 2 Oct 45.

(e) W-9095
Cfn Coady, E.
Att fsp to No 11 Cdn Gen Hosp wef 2 Oct 45.

(f) B-114457
Pte Cruise, K.V.
Cease att fsp to No 1 Cdn Static Base Ldy wef 1 Oct 45.

(PTO)

2. ATTACHMENTS (Continued)

(g)	C-31693 Pte Fitzsimmons, J.I.	Cease att fap to No 17 Cdn Base Dental Coy, wef 1 Oct 45.
(h)	D-26610 Pte Garbish, N.	Att fap to No 4 Cdn Mil Prison & Detn Bks wef 1 Oct 45.
(i)	K-71629 Pte Gilbert, K.V.	Cease att fap to 1 Cdn Reception Depot wef 2 Oct 45.
(j)	B-116980 Pte Hamilton, K.E.	Cease att fap to No 4 Cdn Gen Hospn wef 25 Sep 45.
(k)	B-33289 Pte Hiscock, R.M. B-56067 Pte Mane, S.B.C.	Att fap to No 15 Cdn Base Dental Coy wef 1 Oct 45.
(l)	G-52043 Pte McAleenan, D.P. B-80296 Pte McLaughlin, A.L.	Cease att fap to Roman Ldy Conv Hosp wef 3 Oct 45. Att fap to No 17 Cdn Gen Hosp wef 4 Oct 45.
(m)	C-72776 Pte Maxwell, G.M.	Cease att fap to No 22 Cdn Gen Hosp wef 1 Oct 45.
(n)	K-201 Pte Mulhern, J.D. B-63250 Pte Oatman, L.S.	Cease att fap to No 22 Cdn Gen Hosp wef 29 Sep 45.
(o)	B-63250 Pte Oatman, L.S.	Att fap to 1 Cdn Static Base Ldy wef 1 Oct 45.
(p)	L-27270 Pte Ouellette, W.A.	Cease att fap to No 15 Cdn Base Dental Coy wef 1 Oct 45.
(q)	A-107879 Pte Pollard S.J.	Cease att fap to No 11 Cdn Gen Hosp wef 2 Oct 45.
(r)	W-101326 Cfn Preston, G.	Att fap to No 22 Cdn Gen Hosp wef 1 Oct 45.
(s)	B-56010 Pte Schwartz, L.L.	Att fap to No 4 Cdn Gen Hosp wef 27 Sep 45.
(t)	G-1818 Pte Shonoman, G.J.	Cease att fap to No 17 Cdn Gen Hosp wef 1 Oct 45. Att fap to No 24 Cdn Gen Hosp wef 2 Oct 45.
(u)	C-103233 Pte Stevenson, D.J.	Cease att fap to Cdn Mil Prison & Detn Bks, Alton wef 2 Oct 45.
(v)	C-121435 Pte Sutton, W.H.	Cease att fap to No 4 Cdn Mil Prison & Detn Bks wef 1 Oct 45.
(w)	L-86685 Pte Thorburn, J.H.W.	Att fap to No 11 Cdn Gen Hosp wef 1 Oct 45.
(x)	A-104431 Pte Watson, G.A.	Cease att fap to No 24 Cdn Gen Hosp wef 2 Oct 45.

(PTO)

2. ATTACHMENTS (Continued)

(y) AMENDMENT — D.O. No 117 d/1 Oct 45 para 2(d) insofar as it refers to the u/m is amended as follows:-

DELETE: Att frm to HQ E Go CRU A-111110 Pte Peters, C.H.

SUBS: Att frm to 1 Cdn Repat Depot

3. COMMANDS

(a) B-160754 Pte McQuillen, R.C. — On Command to Bronston wef 1000 hrs 28 Sep 45. Off Command wef 1930 hrs 29 Sep 45.

4. ABSENCE WITHOUT LEAVE

(a) B-94264 Pte Eldridge, W.W. — AWL wef 2359 hrs 23 Sep 45. Still AWL wef 2359 hrs 1 Oct 45. (8 days)

5. PUNISHMENTS

(a) B-137268 Cpl Galway, C.G. — On 2 Oct 45, reprimanded for Sec 15 (1) AA WOAS AWL from 2359 hrs 26 Sep 45, until 2320 hrs 29 Sep 45. (TTA 2 hrs, 21 mins) Forfs 1 days pay 149(1)a Total forf 1 days pay.

(b) D-143331 Pte Kowal, P. — On 25 Sep 45, was awarded forf of 7 days pay under TR&I 149(2) for an offence under AA Sec 40. (Extract from No 3 Cdn Mil Prison & Dotn Bks D.O. No 79 d/28 Sep 45.)

6. APPOINTMENTS PROMOTIONS & REVERSIONS

(a) K-46847 Cpl Picard, E.G. — Appointed L/Sgt wef 16 Sep 45. (Auth: 406/Promotions/3(org 1) d/29 Sep 45.)

7. TRADESMEN'S QUALIFICATIONS

(a) L-51003 Pte Veirovich, J. — Having been Trade Tested is qualified as Shoemaker "B" wef 28 Sep 45. (Auth: MF TTB 1 No 34967 d/29 Sep 45.

8. QUALIFICATIONS

(a) G-28863 Sgt Tompkins, C.F. — Having been tested is qualified as Motorcyclist wef 2 Oct 45.

9. TRADESMEN'S RATES OF PAY

(a) L-606410 Pte Pledson, B.C. — Having qualified is granted Trades Pay as Dvr Mech MV "C" wef 9 Aug 45. (Auth: R.C. 4904)

10. MARRIAGES, BIRTHS & DEATHS

(a) H-37532 Pte Shedlock, M. — Granted permission to marry Miss Anne Brennan, on or after 1 Oct 45.

(b) D-71684 A/Cpl Spooner, P.T. — Granted permission to marry Miss Mary Henderson, on or after 29 Nov 45. (Auth: 406/Marry S/1 d/30 Sep 45.)

(c) AMENDMENT — D.O. No 117 d/1 Oct 45 par 5(a) insofar as it refers to the u/m is amended to read:- Titchmarsh, Nr Kettering, Northampton, Eng. (Extract from No 2 Cdn Gen Hosp RCAMC DO 228 d/27 Sep 45.

B-17463 Pte Levoie, R.J.

2. ATTACHMENTS (Continued)

(y) AMENDMENT D.O. No 117 d/1 Oct 45 para 2(d) insofar as it refers to the u/m is amended as follows:-

DELETE — SUBS

Att fsp to HQ E Gp CRU — Att fsp to 1 Cdn Repat Depot

A-113110 Pte Peters, C.H.

3. COMMANDS

(a) B-107564 Pte McQuillan, R.C. — On Command to Branston wef 1000 hrs 28 Sep 45. Off Command wef 1930 hrs 29 Sep 45.

4. ABSENCE WITHOUT LEAVE

(a) B-94264 Pte Eldridge, W.M. — AWL wef 2359 hrs 23 Sep 45. Still AWL wef 2359 hrs 1 Oct 45. (8 days)

5. PUNISHMENTS

(a) B-137268 Cpl Calway, C.G. — On 2 Oct 45, reprimanded for Sec 15 (1) AA WOAS AWL from 2359 hrs 28 Sep 45, until 2320 hrs 29 Sep 45. (TTA 23 hrs, 21 mins) Forfs 1 days pay 149(1)a. Total forf 1 days pay.

(b) D-143731 Pte Kowal, P. — On 26 Sep 45, was awarded forf of 7 days pay under FR&I 149(2) for an offence under AA Sec 40. (Extract from No 3 Cdn Mil Prison & Detn Brks D.O. No 79 d/28 Sep 45.)

6. APPOINTMENTS PROMOTIONS & REVERSIONS

(a) K-46847 Cpl Picard, E.G. — Appointed L/Sgt wef 18 Sep 45. (Auth: 408/Promotions/3(org 1) d/29 Sep 45.)

7. TRADESMEN'S QUALIFICATIONS

(a) L-51003 Pte Mairovich, J. — Having been Trade Tested is qualified as Shoemaker "B" wef 28 Sep 45. (Auth: MF TTS 1 No 34967 d/29 Sep 45.

8. QUALIFICATIONS

(a) G-28867 Sgt Tompkins, C.M. — Having been tested is qualified as Motorcyclist wef 2 Oct 45.

9. TRADESMEN'S RATES OF PAY

(a) L-606810 Pte Pledson, B.C. — Having qualified is granted Trades Pay as Dvr Mech MV "C" wef 9 Aug 45. (Auth: R.O. 4904)

10. MARRIAGES, BIRTHS & DEATHS

(a) H-87532 Pte Shadlock, M. — Granted permission to marry Miss Anne Brennen, on or after 1 Oct 45.

(b) D-71584 A/Cpl Spooner, P.T. — Granted permission to marry Miss Mary Henderson, on or after 29 Nov 45. (Auth: 406/Marry S/1 d/30 Sep 45.)

(c) AMENDMENT D.O. No 117 d/1 Oct 45 par 5(a) insofar as it refers to the u/m is amended to read:- Titchmarsh, Nr Kettering, Northampton, Eng. (Extract from No 2 Cdn Gen Hosp RCAMC DO 228 d/27 Sep 45.

B-17463 Pte Levoie, R.J.

(Sgd)

11. HONOURS & AWARDS

(a) F-51906 Pte Kane, F.L.T. — Awarded the CVSM & Clasp wef 27 Jul 44. (Auth: R.O. 4167)

(b) K-66728 Sgt Klassen, J.L. — Awarded the 1939 - 45 Star, Italy Star and France & Germany Star. (Auth R.O. 5980)

(c) M-66291 A/Cpl Miles, W.J. — Awarded the 1939-45 Star, Italy Star and the Defence Medal. (Auth: R.O. 5980)

(d) A-76032 Pte Kipfer, H.D.
D-96273 Pte Rourke, T.K. — Awarded the 1939-45 Star, France & Germany Star and the Defence Medal (Auth: R.O. 5980)

(e) The u/m personnel awarded the Defence Medal. (Auth: R.O. 5980).

A-105397 Pte Doan, L.W.
C-2109 L/Cpl Ivory, N.J.
C-1565 Pte Maher, J.G.
D-136976 Cfn Peck, D.R.
M-34122 Pte Graham, W.
A-9955 Pte MacDowell, C.A.
B-43786 L/Cpl Mothersell, H.A.
B-56092 L/Cpl Pell, J.B.
A-117542 Pte Tyler, A.S.

12. STRENGTH DECREASE

(a) K-70298 (Dvr Mech MV "C") Pte Case, R.
B-27455 (Dvr Mech MV "C") Pte Dresser, L.E.C. — SOS to No 2 MAC Increment No 1 Cdn Adm Tpt Coy, RCASC wef 2 Oct 45.

(b) B-116980 Pte Hamilton, K.E. — SOS to Y-3 List 1 CGRU wef 25 Sep 45 on admission to No 4 Cdn Gen Hosp

(c) E-46942 Pte Lizotte, R. — SOS to Y-3 List 1 CGRU wef 29 Sep 45 on admission to No 22 Cdn Gen Hosp.

(d) " — The u/m personnel SOS to No 2 MAC Increment No 1 Cdn Adm Tpt Coy RCASC wef 2 Oct 45.
B-138862 Pte O'Keefe, W.L.
M-28325 Gnr Pearson, H.J.
E-42740 Pte Robey, D.
C-123057 Pte Poirier, E.A. (Dvr Mech MV "C")

(e) AMENDMENT — D.O. No 115 d/26 Sep 45 para 8(c)
Insofar as it refers to the u/m is amended as follows:-

DELETE: Fitter MV "C"
SUBS: Dvr Mech MV "C"
B-32801 Spr Lynn, G.V.

13. LEAVE OF ABSENCE

(a) L-65589 Pte Bites, M. — Granted 7 days priv leave & money allce in lieu of rations and 48 hrs short leave plus 48 hrs VJ leave (total entitlement 11 days) under FR&I (Overseas) Art 789 (3) & (4) for period 4 Oct 45 to 15 Oct 45.

(b) A-67868 Pte Loupos, D.C. — Granted 7 days priv leave & money allce in lieu of rations and 48 hrs short leave (total entitlement 9 days) under FR&I (Overseas) Art 789 (3) & (4) for period 1 Oct to 10 Oct 45.

(Over)

13. LEAVE OF ABSENCE (Continued)

(c)	M-59835 Cpl Leslie, C.I.	Granted 7 days priv leave & money allce in lieu of rations under FR&I (Overseas) Art 789 (3) & (4) for period 1 Oct to 8 Oct 45.
(d)	M-106976 Pte Toews, H.H.	Granted 7 days priv leave & money allce in lieu of rations and 48 hrs short leave (total entitlement 9 days) under FR&I (Overseas) Art 789 (3) & (4) for period 2 Oct to 11 Oct 45.
(e)	CANCELLATION Insofar as it refers to M-66347 Pte Caine, F.R.	D.O. No 117 d/1 Oct 45 para 9 (c) is CANCELLED.
(f)	CANCELLATION Insofar as it refers to L-51167 Pte Houck, M.	D.O. No 117 d/1 Oct 45, para 9 (c) is CANCELLED.

14. CHANGE OF NAME

(a)	H-87532 Pte Shadlock, M.	Having declared his true name to be Michael Shadlock will in future be known as such. All documents to be amended accordingly.

15. CHANGE OF AGE

(a)	C-123113 Tpr Woodbeck, V.R.	Date of birth having been verified is changed to 3 Feb 1927 from 3 Jan 1926. All documents to be amended accordingly.

(J.H. Ziegler) Lt-Col,
Commanding Officer,
No 1 Cdn Adm Tpt Coy.,
R.C.A.S.C. C.A.(O).

APPENDIX "B"

NO 1 CDN ADMINISTRATIVE TRANSPORT COMPANY R.C.A.S.C. C.A.(O)

Last D.O. No 121
10 Oct 45

PART II ORDERS

D.O. No 122
12 Oct 45

BY

LT. COL. J.H. ZIEGLER, E.D. COMMANDING OFFICER

SECTION "A"

1. STRENGTH INCREASE

(a) AMENDMENT — D.O. No 117 d/1 Oct 45, para 1 (a) insofar as it refers to the u/m is amended as follows:-

DELETE: Laucheon — SUBS: Lauchlan

Capt David Laucheon McJANNET

2. STRENGTH DECREASE

(a) AMENDMENT — D.O. No 120 d/8 Oct 45 para 2(a) insofar as it refers to the u/m is amended as follows:-

DELETE: Laucheon — SUBS: Lauchlan

Capt David Laucheon McJANNET

SECTION "B"

1. STRENGTH INCREASE

(a) A-66752 Gnr Barnes, F.E.
K-9110 (Dvr Mech "C") Gnr Peterson, T.H.
— TOS from 1 CGRU wef 9 Oct 45. (Auth: 408/1 CGRU/1(PTA) d/8 Oct 45) (Auth: 8/Supy Post/1/2 d/19 Jul 45)

(b) G-63191 Cpl Jennings, F.S.
— TOS from Cdn Sch of Inf 3 Wing, wef 22 Sep 45. (Auth: 408/CS of I/1(PTA) d/21 Sep 45) (Auth: 8/Supy Post/1/2 d/19 Jul 45)

(c) B-143407 (Veh Mech MV "C") Pte Ruckstuhl, R.N.
— TOS from Y-3 List, 1 CGRU wef 10 Oct 45. (Auth: CMHQ CL-83 d/13 Jan 44)

(d) B-127811 (Fitter MV "A") Gnr Saunders, H.A.
— TOS from 1 CGRU wef 11 Oct 45. (Auth 408/1 CGRU/1(PTA) d/8 Oct 45) (Auth: 8/Supy Post/1/2 d/19 Jul 45)

(e) wef 11 Oct 45. (Auth: 408/1 CGRU/1(PTA) d/8 Oct 45) (Auth: 8/Supy Post/1/2 d/19 Jul 45.)
— The u/m personnel TOS from 1 CGRU

B-145710 Spr Allair, E.J. (Coppersmith "B")
H-42116 Pte Kruger, T.H. (Veh Mech MV "A")
H-203801 Pte Latimer, J.R. (Coach Trimmer "B")
L-8871 Pte Morrison, D.G. (Dvr Mech MV "C")
F-97899 Pte Thompson, C.E.
G-23255 Tpr Buchanan, W.T. (Dvr Mech MV "C")
M-28400 Pte Lloyd, H.N. (Dvr Mech "C")
M-29083 Pte Moran, F.D. (Coach Trimmer "B")
D-131646 Spr Prince, W. (Pioneer "C")
G-23787 Pte Lister, D.A.
G-23576 Pte Robichaud, R.J. (Dvr Mech "C")

(PTO)

2. ATTACHMENTS

(a)	G-19941 Gnr Boudreau, R.J.	Att fsp to Commend Paymaster wef 8 Oct 45. Cease att fsp to Commend Paymaster wef 10 Oct 45.(Auth: 601/CATC/ d/ 1 Oct 45.
(b)	G-23668 Pte Daigle, W.J.	Att fsp to No 17 Cdn Gen Hosp wef 9 Aug 45. (Auth 601/CATC/d/1 Oct 45)
(c)	A-105397 Pte Doan, L.W.	Att fsp to Commend Paymaster wef 10 Oct 45.(Auth 601/CATC/d/1 Oct 45)
(d)	A-109607 Pte Hart, A.	Att fsp to Cdn Aux Serv wef 11 Oct 45.(Auth 601/CATC/d/1 Oct 45.)
(e)	M-587 Gnr Isaac, A.	Att fsp to No 1 Cdn Static Base Ldy wef 11 Oct 45. (Auth: 601/ CATC/d/1 Oct 45.
(f)	D-141426 Pte Lefleur, P.E.	Att fsp to No 4 Cdn Gen Hosp wef 10 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(g)	B-524 Pte Linton, K.E.	Cease att fsp to 1 Cdn Static Base Ldy wef 11 Oct 45. (Auth: 601/CATC/d/1 Oct 45.)
(h)	A-9955 Pte MacDowell, C.A.	Att fsp to Cdn Red Cross wef 10 Oct 45. (Auth: 601/CATC/d/1 Oct 45)
(i)	D-46960 Pte MacLeod, L.C.	Cease att fsp to No 22 Cdn Gen Hosp wef 10 Oct 45)(Auth 601/CATC/d/1 Oct 45)
(j)	E-95074 Pte Merill, E.W.	Att fsp to No 22 Cdn Gen Hosp wef 10 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(k)	B-161317 Pte Milton, T.J.	Att fsp to No 15 Cdn Base Dental Coy wef 9 Oct 45.(Auth: 601/CATC/ d/1 Oct 45.)
(l)	B-63250 Pte Ostmen, L.S.	Att fsp to No 22 Cdn Gen Hosp wef 11 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(m)	A-107439 Pte Pollard, S.J.	Att fsp to No 11 Cdn Gen Hosp wef 11 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(n)	C-48558 Pte Smith, E.H.	Att fsp to No 4 Cdn Gen Hosp wef 11 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(o)	B-116573 Pte Smith, T.W.	Att fsp to No 24 Cdn Gen Hosp wef 10 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(p)	B-9838 Pte Stevenson, J.C.	Att fsp to Commend Pay Det wef 11 Oct 45.(Auth: 601/CATC/d/1 Oct 45)
(q)	H-13274 Pte Wall, J.	Cease att fsp to No 22 Cdn Gen Hosp wef 11 Oct 45.(Auth: 601/CATC/d/ 1 Oct 45)
(r)	A-65748 Pte Wilson, L.	Att fsp to No 5 Cdn Mil Prison & Detn Bks wef 11 Oct 45. (Auth: 601/CATC/d/1 Oct 45)

(PTO)

2. ATTACHMENTS (continued)

(s) The u/m personnel att fap to No 1 Cdn Sub Wksp for period 15 Oct to 16 Oct 45 for purpose of Trade Testing.
M-106758 Pte Kushnirsk, M.J. D-143796 Pte Fontin, L.A.
K-45616 Pte Pollett, E.T. H-14590 Pte Winter, W.L.B.

(t) CANCELLATION D.O. No 121 d/10 Oct 45, para 2(c) Insofar as it refers to C-72776 Pte Maxwell, G.A. is CANCELLED.

3. COMMANDS

(a) C-101519 L/Cpl McFadden, V.W. — On Command to Old Delby wef 0900 hrs 9 Oct 45. Off Command wef 2000 hrs 10 Oct 45.
B-113061 Pte Dennis, J.C.

(b) B-41586 Pte Pearson, F.J. — On Command to Woolwich wef 0830 hrs 9 Oct 45. Off Command wef 2000 hrs 10 Oct 45.

(c) A-601358 Pte Reinhart, W.W. — On Command to Bronston wef 1030 hrs 8 Oct 45. Off Command wef 1900 hrs 9 Oct 45.

4. ABSENT WITHOUT LEAVE

(a) B-94264 Pte Eldridge, W.W. — Ceases to be AWL wef 0830 hrs 8 Oct 45 on surrendering to Unit.

5. HOSPITAL

(a) A-117631 Pte Ruston, O.E. — Discharged from No 1 Cdn Med Centre wef 11 Oct 45.

6. PUNISHMENTS

(a) M-56257 Cfn Gelliven, J.H. — On 9 Oct 45, awarded 6 days C.B. & stoppages of pay in the amount of $0-7-11 Cost of apprehension for Sec 15(3) AA WOAS was out of Bounds without a pass. (Stoppages of pay $0-7-11 FR&I 172(8) Cost of Apprehension)

7. TRADESMEN'S QUALIFICATIONS

(a) H-60436 (Cook "C") Pte Iwenko, J. — Having been Trade Tested is qualified as Cook Gp "B" wef 8 Oct 45. (Auth: MF PTEL No 27329 d/10 Oct 45)

8. TRADESMEN'S RATES OF PAY

(a) H-60436 Pte Iwenko, J. — Ceases to draw Trades Pay as Cook Gp "C" wef 7 Oct 45. Having qualified is granted Trades Pay as Cook Gp "B" wef 8 Oct 45.

(b) L-51003 Pte Meirovich, J. — Having qualified is granted Trades Pay as Shoemaker Gp "B" wef 28 Sep 45, under FR&I 147 (8).

9. HONOURS & AWARDS

(a) D-173352 Cfn Horwood, E.W. — Awarded the CVSM & Clasp wef 19 Feb 45. (Auth: R.O. 4167)

(b) B-45164 Pte Fuller, W.W. — Awarded the 1939-45 Star, Italy Star and France & Germany Star. (Auth: R.O. 5980)

(PTO)

9. HONOURS & AWARDS (continued)

(c) C-75024 Pte Wales, C.R. — Awarded the 1939-45 Star, France & Germany Star and the Defence Medal. (Auth: R.O. 5980)

(d) K-71783 Pte Clarke, R.D.
M-58782 Pte Dixon, G.E. — Awarded the 1939-45 Star and France & Germany Star. (Auth: R.O. 5980)

(e) The u/m personnel awarded The Defense Medal. (Auth: R.O. 5980)

B-77642	Cfn Cameron, V.A.	H-103254	Pte	DeAthe,	M.J.
H-64807	Cfn Ewen, A.O.	C-38597	Cfn	Ferneyhough,	G.
D-71988	L/Cpl Sanford, W.J.	B-116234	Pte	Sault,	W.A.

10. STRENGTH DECREASE

(a) B-62249 (Dvr Mech MV "C") Tpr Adair, H.R.
B-135291 (Dvr Mech MV "C") Tpr Russell, W.A. — SOS to 2 MAC Increment No 1 Cdn Adm Tpt Coy RCASC wef 6 Oct 45.

(b) F-89246 Pte Boutilier, T. — SOS to Y-3 List 1 CGRU wef 10 Oct 45, on adm to No 22 Cdn Gen Hosp.

(c) B-18649 (Cook "B") Sgt Briscoe, G.T.H. — SOS to No 1 Cdn Repat Depot wef 11 Oct 45 (Auth: CRU(Pers) A 2061 d/5 Oct 45)

11. LEAVE OF ABSENCE

(a) B-34593 A/S/Sgt Powell, G.F. — Granted 7 days priv leave & money allce in lieu of rations under FR&I (Overseas) Art 789 (3) & (4) for period 12 Oct to 19 Oct 45.

(b) B-43786 L/Cpl Mothersell, H.A. — Granted 7 days priv leave & money allce in lieu of rations and 48 hrs short leave (total entitlement 9 days) under FR&I (Overseas) Art 789 (3) & (4) for period 12 Oct to 21 Oct 45.

(c) The u/m personnel granted 7 days priv leave & money allce in lieu of rations and 48 hrs short leave (total entitlement 9 days) under FR&I (Overseas) Art 789 (3) & (4) for period 15 Oct to 24 Oct 45.

L-84119 Pte Coulombe, F.D. L-8734 L/Cpl Lawson, J.C.
K-76059 Pte McCormick, F.W.

(d) The u/m personnel granted 7 days priv leave & money allce in lieu of rations and 48 hrs short leave plus 48 hrs VJ leave (total entitlement 11 days) under FR&I (Overseas) Art 789 (3) & (4) for period 15 Oct to 26 Oct 45.

M-66347	Pte	Caine,	F.R.	C-1863	Pte	Eastwood,	H.A.
L-607993	Pte	Gibson,	I.E.	B-136954	Cpl	Gordon,	R.C.
B-430	Pte	Grassi,	H.G.	B-89254	Pte	Greenwood,	K.
M-100196	Cfn	Hunt,	J.C.	C-73607	Cfn	Miller,	G.E.
B-64596	Pte	Partington,	E.D.	L-607669	Pte	Reinhart,	W.J.
B-431	Pte	Stuart,	D.D.	A-109226	Pte	White,	R.E.
B-112165	Pte	Wilson,	L.G.	B-113717	Pte	Thompson,	E.G.
F-32196	Pte	McInnis,	A.	K-2942	Pte	Kelleur,	A.
B-56726	Cfn	Cantin,	A.J.	B-148335	Pte	Bittner,	G.W.
		A-102467	A/Cpl	Alexander,	D.		

12. NEXT OF KIN

(a) C-75573
Col Graham, A.T.

Change of Address of N of K
Mary Graham (Mother)
60 Herridge St.,
Ottawa, Ontario, Canada

for L.M. Johnson Lieut
(J.H. Ziegler) Lt-Col,
Commanding Officer,
No 1 Cdn Adm Tpt Coy,
R.C.A.S.C. C.A. (O).

Description of Court by which tried, or Status of Officer disposing of the charge or dispensing with Trial.	Date and place of Trial, or summary award, or of Order dispensing with Trial.	Charges upon which convicted, or in respect of which Trial was dispensed with.	Sentence of the Court or Authority disposing of the charge, or Order of the Dispensing Authority.	Punishment remitted.

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 2nd day of October 1945.

Army Form B296.

Statement as to Character and Particulars of Service of Accused.

B94864 Pte KLDRIDGE Walter Winfred of the No. 1 Cdn. Adm. Tpt. Coy., RCASC.

1. The following is a fair and true summary of the entries in the Regimental and Squadron, Battery or Company Conduct sheets† of the accused, exclusive of convictions by a court martial or a civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with :—

NOTE.—The Regimental and Squadron, Battery or Company Conduct Sheets are to be produced in Court with this statement but are not to be annexed to the proceedings.

†See Para. 664, K.R., 1935.

*The numbers herein stated should correspond with the number of *Entries* in the Conduct sheets, prominence being given to the most serious offence in each entry, and to any recognised special acts of gallantry or distinguished conduct.

INSTRUCTION.—If the charge is for drunkenness the entries for drunkenness must be stated separately and dated.

	*Within last 12 months.	*Since Enlistment.
For	times	AWL 4 times.
For N I L	times	Offence 41(5) times. One time
For	times	times.
For	times	times.

~~Number of instances of gallantry or distinguished conduct~~

~~or,~~

~~There are no entries in the Conduct sheets of the accused.~~

2. ~~The accused has not been previously convicted.~~

or,

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.

Wt. 43648/661 50,000 2/40 W. S. Ltd. 51—6091

EX B

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

~~or,~~

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

4. The accused has been in confinement, awaiting trial on the present charges

for Nil days in Civil Custody,

and 21 days in Military Custody.

Total 21 days.

Of which Nil days were spent in hospital.

YOB Aug 22,1903.

5. The present age of the accused according to his record of service / attestation paper is 42 yrs.

6. The date of his ~~commission~~ / attestation specified in his ~~record of service~~ / attestation paper is 6 Sep 40

7. ~~The service which the accused is allowed to reckon towards discharge or transfer to the reserve is~~

8. ~~The accused is entitled to deferred pay or gratuity in respect of~~ years' service.

9. The service which accused is allowed to reckon is 5 years. 46 days

9. ~~The accused is entitled to reckon~~ ~~years service for the purpose of determining his pension, &c.~~

10. The accused is in possession of, ~~or entitled to, no military decoration or military reward [or is in possession of or entitled to]~~ CVSM & Clasp, Defence Medal.

11. ~~If the accused is [or was at the time of the offence] entitled to the wear of any military decoration or military reward [or is in possession of or entitled to the wear of any such decoration or reward] he is [or was] entitled to it in the regimental rank of~~

12. ~~If the accused holds [or held] any rank or~~ , dated , ~~he is [or was] entitled to the regimental rank of~~ dated

13. ~~The accused was [or is to be] promoted to the rank of~~ , ~~with [or without] seniority, on the~~ date,

Date of Promotion.

In the rank of , years,

In the rank of , years,

In the rank of , years,

(INSTRUCTION.—*If any matter in any of the above paragraphs cannot be stated from the regimental books the paragraph must be struck through.*)

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

Schedule of Convictions by a Court Martial or Civil Court, ~~or summary award under Section 42 of the Army Act, and of cases in which Trial has been dispensed with.~~

Army Number, Rank and Name B94624 Pte ELDRIDGE Walter Alfred of the No. 1 Can. Adm. Tpt. Coy.RCASC

NOTE.—*A verbatim extract from the regimental books, stating these convictions and dispensations with trial, must be inserted.*

Description of Court by which tried, or status of Officer disposing of the charge or dispensing with Trial.	Date and place of Trial, or summary award, or of Order dispensing with Trial.	Charges upon which convicted, or in respect of which Trial was dispensed with.	Sentence of the Court or Authority disposing of the charge, or Order of the Dispensing Authority.	Punishment remitted.
FGCM	7 Jul 41	Sec. 15(1)AA WOAS A.W.L.	28 days Detention Forf 28 days pay 149(1)(b) FR&I.	
FGCM	26 Jul 43	Sec. 15(1)AA WOAS A.W.L.	120 days Detention Forf 120 days pay 149(1)(b) FR&I.	40 days
FGCM	5 Jul 44	Sec. 15(1)AA WOAS A.W.L.	120 days Detention Forf 120 days pay 149(1)(b) FR&I.	

(Continued overleaf)

No. B94264 Name ELDRIDGE, W.W. Sqn., Battery, or Company Corps RCASC Date of enlistment 6 Sep 40 G.C. Badges Service or Proficiency Pay M.F.M. 6 A F B 179

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. One | Signature O.C. Company, etc. | Character

175M—7-41 (1219-30) H.Q. 1772-39-1652

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	30 May 41	Pte		AA Sec 15(1) WOAS, AWL from 1000 hrs 30 May 41 until 0800 hrs 22 Jun 41 (TTA 23 dys, 22 hrs) Close arrest 0800 hrs 22 Jun 41/1630 hrs 7 Jul 41.	Documentary	28 dys Detn Forfs 28 dys pay FR&I 149(1)b	7 Jul 41	FCCM	Forfs 24 d.p. FR&I 149(1)a Forfs 14 d.p. FR&I 149(1)(c) Tot: 66 d.p.
Field		Pte		AA Sec 41(5)	Documentary	Forfs 7 dys pay FR&I 149(2)	11 Oct 41	O.C. of 2 CDAC	
Field	20 Mar 42	Pte		AA Sec 15(1), AWL 1day 23 hrs 30 mins.	Documentary	7 dys C.B. 7 dys pay FR&I 149(2)	22 Mar 42	O.C. of 2 CDAC	Forfs 2 d.p. FR&I 149(1)a
Field	30 Sep 42	Pte		AA Sec 15(1), AWL from 0800 hrs 30 Sep 42 until 2300 hrs 3 Oct 42 (TTA 3 dys 15 hrs)	Documentary	Forfs 10 d.p. FR&I 149(2)	6 Oct 42	O.C. of 2 CDAC	Forfs 4 d.p. FR&I 149(1)a

(P.T.O.)

No. B-924264 Name Eldridge, W.W. Sqn, Battery, or Company

SUPPLEMENTARY

Corps RCASC

Date of enlistment 6 Sep 40

GC Badges

Service or Proficiency Pay

3/17 MFM '6 (AFB 122) 40/P&S/136 (5418)

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Sheet No Two

Signature OC Company, etc

Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	19 Apr 43	Pte		AA Sec 15 (1) AWL 80 days 4 hrs 5 mins	Documentary	120 days det	26 Jul 43	FGCM	Forf 120 ds pay FR&I (1) (b)
									Forf 80 days pay FR&I 149 (1)(a)
									Forf 18 days pay FR&I 149 (1)(c)(i)
						Placed under stoppage of pay to the amount of £0 9 4 FR&I 172 (8) FR&I Cost of apprehension Total forf 218 days pay. & £0 9 4			

(PTO)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witness	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Beverley Yorks	8 May 44	Pte		AA Sec 15(1) WOAS, Absenting himself from 1000 hrs 8 May 44 to 2230 hrs 8 May 44 (TTA 12 hrs 30 mins)	Cpl Dupuy, E. Cpl Stevens, AR	7 days pay FR&I 149(2)	9 May 44	Lt-Col L.C. Parkinson	Forf 1 d.P. FR&I 149(1)a
Field	19-5-44	Pte		AA Sec 15(1) AWL from 0600 hrs 19 May 44 to 2300 hrs 25 May 44 when app by Regt'l Police in Hull.(TTA 5 days 17 hrs)	Cpl Dupuy, E.	28 dys F.P.	26 May 44	Lt-Col L.C. Parkinson	Forf 6 d.P. FR&I 149(1)a

No. B94264 Name ELDRIDGE, W.W. Sqn., Battery, or Company Corps RCASC Date of enlistment 6 Sep 40

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | G.C. Badges | Sheet No. Three | Signature O.C. Company, etc. | Service or Proficiency Pay | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	26 May 44	Pte		CHARGE: AA Sec 15(1) AWL from 2230 hrs 26 May 44, whilst undergoing FP, until 2030 hrs 29 Jun 44 when he surrendered to civil police at Hull, Yorks (Absent - 33 days 22 hrs)	Documentary		5 Jul 44	FGCM	Forfs. 34 d.p. FR&I 149(1)a
									28 dys concurrent with award of 26 May 44, DO 124 d/27 May 44
				FINDINGS: Guilty					Forfs 6 d.p.
				SENTENCE: To undergo detn for 120 days					FR&I 149(1)(c)(i)
				CONFIRMATION: Findings and sentences confirmed by Comd "D" Gp, CRU on 7 Jul 44					Forfs 120 d.p.
				PROMULGATED: On 8 Jul 44					FR&I 149(1)(b)
									Not Forfs 120 d.p.

CERTIFIED TRUE COPY OF ORIGINAL DOCUMENTS
for McKay Lieut
(F.A. McKay) Lt Records Offr.

(P.T.O.)

M.F.M. 5 (A.F.W. 1775) 175M—7-41 (1319-39) H.Q. 1772-39-1662

List of witnesses for Prosecution in the case of

B94264 Pte ELDRIDGE, Walter Winfred

NIL:(All evidence documentary)

APPLICATION FOR DEFENDING OFFICER

I, B94264 Pte. Eldridge, Walter Winfred, desire the services of Capt. D.L. McJannet, No. 1 Cdn Adm Tpt Coy, RCASC, as Defending Officer at my forthcoming trial by Court Martial.

W. Eldridge
(Signature)

SCHEDULE.

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

Accused: B.94264 Pte Walter Winfred ELDRIDGE - 1 CASCRU

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA Sec 15(1)	Guilty	Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

At present under sentence for 28 days Field Punishment beginning on (date) 26 May 44
(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 6 days, of which Nil days were spent in hospital.(1)
(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To undergo detention one hundred & twenty (120) days.

(Sgd) ~~Judge Advocate, if any.~~ 5 July 44 (Sgd) Geo R Green Lt Colonel President. (RP 45, 50.)
Date awarded.
(See back of Convening Order as to assembly and disposal of record of this trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

Date ..... (Sgd) ..... Commanding .....

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

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 137, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

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

Finding and Sentence Confirmed

~~I direct that the accused be not committed to prison or detention barracks until further orders.(1)~~
(1. AA 57A. Delete if not used.)

Date 7 July 44 (Sgd) A F Pearson Lt Col
Commanding ~~Brigade~~ Division
Con. Reinforcing Officer, C.A.

PART IV. PROMULGATED AND EXTRACTS TAKED. (RP 53, KR Can 576, 577.)

Accused.	Date.	Signature of Offr.
B94264 Pte Eldridge WW	8 Jul 44	Maur Thornton Lt Col

Part II Orders 162 dy 11 Jul 44

Comd Inf Bde
No 1 Con A.S.C. Rft Unit

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.
CON. A.S.C. REINF. UNIT.

RECORDED AT CMHQ IN AB 160 RRR 77

RECEIVED 17 JUL 1944 JAG'S BRANCH C.M.H.Q.

FIELD GENERAL COURT-MARTIAL

CFA 90 (In lieu of AFA8) 40/P & S/1688 (40-10) 4/38B

Convening Order of Brig J.R. Stewart Lough DSO, MC, VD Comd "D" Gp, CRU dated 5 Jul 44

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.	Surname.	Unit.
B.94264	Pte		Walter Winfred	ELDRIDGE	1 CASCRU

PROCEEDINGS REVIEWED
17 Jul 44
REVIEWING OFFICER, JAG'S BRANCH, CMHQ, ENGLAND

R&C Commandant Capt

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) ~~3 Fd Bde~~ ENGLAND on (date(s)) 5 Jul 44

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, ~~waiting Members, JA, if any,~~ and Offrs under instr, ~~if any,~~ assemble, and the Court is closed.

(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 NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc. which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is ~~(are)~~ amenable to military law, and each charge discloses an offence.(3)
(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is ~~(are)~~ brought before the Court. At 1415 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is ~~(are)~~ 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 summarily by the CO.(2)~~
(1. KR Can 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to ..... as interpreter? Ans .....
The Interpreter is sworn.(1) Do you object to B98714 Pte Murray L A as shorthand writer? Ans No
The shorthand writer is sworn.(1)
(1. RP 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 (2)
(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, ~~JAs, if any,~~ and Offrs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	Maj G.R. GREER	1 Cdn ASC Rft Unit	RCASC
Member	Capt D.A. GOURLEY	1 Cdn ASC Rft Unit	RCASC
Member	Lt R CHARETTE	1 Cdn ASC Rft Unit	RCASC
~~Judge Advocate~~			
Prosecutor	Lt S.C. WAY	1 Cdn ASC Rft Unit	RCASC
Defending Offr	Lt R.T.W. HODGSON	1 Cdn ASC Rft Unit	RCASC

Questions by President: Is the Prosecutor a lawyer? Ans No Is the Defending Offr a lawyer? Ans No (1)
(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See Di p 3.)

A8. The accused B94264 Pte Eldridge W.W. before arraignment make(s) (no) ~~(a)~~ plea .....(1)
(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RsP cited. Insert in A8 rank and name of the accused making the plea.)

A9. The accused is ~~(are)~~ arraigned ~~(separately)~~ SEPARATELY on all charges in the charge sheet.(1) The accused does ~~(do)~~ not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(3) The President records the pleas in Part I of the Schedule.
(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (is closed and) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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 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.

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).

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 ; *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(s)(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(s), 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 plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), 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 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.(4)

President to accused : Do you wish to make a statement ? Ans. Nil.(5)
(1. *RP 37(B).* 2. *RP 37(D) fn 6.* 3. *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 Notes.*)

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 ~~the~~ charge(s). ~~The accused is (are) so informed, and he (they) change(s) his (their) plea(s) on~~ charge(s). Part I of the Schedule is amended accordingly.
(1. *Court may be closed to consider the statement. Delete whole or 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. *RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.*)

B5. The Summary of Evidence is marked Ex E., initialled and read aloud by the President.(1)
(1. *If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p* 3. *RP 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.(1)
(1. *RP 37(A) (E).*)

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 Record Form B above.(1)
(1. *Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p* 3 *and making an appropriate record thereof on a separate sheet.*)

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 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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 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)
(1. *If "yes", see RP 39(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. *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.(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).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that 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 the latter charge(s).(4)
(1. *Delete remainder of this para. if submission not made.* 2. *Arguments on submission, answer and reply are recorded per Notes.* 3. *RP 40 fn 1. 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 D8.*)
NB : If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on 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 yourself on oath 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 sworn, 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 neither.

President to accused : Do you wish to give evidence yourself as a witness, make a statement, or do neither ? Ans..... Do you intend to call witnesses on your behalf ? Ans..... Are they witnesses as to character only ? Ans.....
(1. *RP 115.* 2. *RP 40(A) see 80(D).* 3. *RP 40 fn 10.* 4. *RP 40 fns 2, 9.*)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(1. *RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 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.(2) The Court is re-opened.
(1. *RP 43, 117(A). See Notes in Part I 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.(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.(2)
(1. *AA 54(3) (6), RP 45, 120(A).* 2. *AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B 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 accused : Do you wish to give evidence yourself or to call any witnesses as to your character ?(1) Ans. No.
(1. *If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.*)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(s)(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(l) (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 marked Ex F and Ex G respectively.(3)
(1. *MFB 355 or AFB 296.* 2. *MFM 6.* 3. *RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.*)

E3. President to accused : Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment ?(1) Ans. No. Only in plea of mitigation.(2)
(1. *RP 37(C), 46(D).* 2. *Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 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 proceedings in open court are accordingly terminated.(1)
(1. *AA 54(6), RP 120(A).*)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him ~~and the JA, if any.~~(2)
(1. *When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 320, 563-566, Overseas RO 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(18), 68(1), KR Can 564.* 2. *RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see Instrs on back of Convening Order.*)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET

1st Charge
A.A.Sec.
15 (1)

The accused B-94264 Pte Walter Winfred ELDRIDGE, on strength of 1 Cdn A.S.C. Rft Unit, a soldier of the Canadian Army Overseas, is charged with;

WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE

in that he

absented himself without leave from 1 Cdn A.S.C. Rft Unit whilst undergoing Field Punishment, from 2230 hours 26 May 44 until 2030 hours 29 Jun 44 when he surrended to the Civil Police Station in the City of Hull Yorkshire.
(Total Time Absent 33 days and 22 hours.)

(H.P. Bonnick) Colonel,
Commanding,
1 Cdn A.S.C. Rft Unit.

Victoria Barracks,
Beverley, Yorkshire.

To be tried by Field General Court Martial.

(J.R. Stewart Lough) Brigadier
Commander
"D" Group, Cdn Rft Units
Convening Officer

In the Field
5 Jul 44

FIELD GENERAL COURT-MARTIAL

CFA56 (In lieu of AFA3)
40/P&S/1697 (2nd)

(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 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. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML 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 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) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
B.94264	Pte		Walter Winfred	ELDRIDGE	1 CASCRU

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 ~~(have)~~ committed the offence~~(s)~~ set forth in the Charge Sheet~~(s)~~ attached and on (*date*) 5 Jul 44 endorsed by me, ~~(or by an offr of my staff for me)~~, " To be tried by Field General Court-Martial ".

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 ; ~~(and that it is not practicable to delay the trial for reference to a superior qualified offr.)~~
(Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person~~(s)~~, and to consist of the Offrs 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 reasons I have attached hereto.~~
(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

~~5. I also appoint as Judge-Advocate thereat the Offr mentioned hereunder.~~
(RP 106(E). Delete, if none appointed.)

PRESIDENT.

(Rank.)	(Must be named. RP 106.)	(Unit.)
Major	G.R. Greer	1 CASCRU

MEMBERS.

(Rank.)	(Named or detailed. RP 106.)	(Unit.)
A Captain	to be detailed by Commanding Officer	1 CASCRU
A Lieutenant	to be detailed by Commanding Officer	1 CASCRU

WAITING MEMBER.

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

JUDGE-ADVOCATE.

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England (Country.)

Date 5 Jul 44

J.R. Stewart Lough (Signed personally. RP 105 fn 3)

Brigadier (Rank.)

(J.R. Stewart Lough)

Commanding "D" Group, Cdn Rft Units

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleaf for oaths and notes for use on trial.)

Medical Officers' Certif.
K.R. (Can) para 557

I certify that I have this morning examined No: B.94264
Lte Eldridge A.W.
(rank) (name) and in my opinion he is ~~unfit~~ fit to undergo trial by Court Martial.

Station: Ottawa Ont.
Date: 5 July 1944

D.D.M.S. M.D. 2 Mil Dist Capt
(Medical Officer)

66.

Questions by the Court to the Defending Officer.

1. Do you wish to give evidence or to call any witnesses as to your character?

We have no witnesses, Sir.

2. Does the Defending Officer wish to make any statement in the mitigation of punishment?

This man joined the Army on 6th September 1940 and for two years had not a mark on his crime sheet. He then had to go to the hospital for fourteen days for stomach trouble and on discharge was sent to the 3rd Division instead of 2nd Division (his old Division), "new faces, new tricks and an old dog", they just didn't get on together (this man is 41 years of age). He went AWL when they tried to transfer him to a pioneer Coy. He was caught after ninety days and got 120 days detention.

Then another year of good behaviour and a lapse again, not very serious, he was 5 days AWL. The day he got punished for this he receives bad news from home regarding his mother and dad. This is too much for him to figure out himself and he goes AWL again.

Gentlemen, this man as you can see, is not a hardened criminal, he is a soldier who needs a helping hand, not more punishment and I respectfully ask for a light sentence in this case.

Signed _____
(R.J.W. Hodgson) Lt

66.

Questions by the Court to the Defending Officer.

1. Do you wish to give evidence or to call any witnesses as to your character?

We have no witnesses, Sir.

2. Does the Defending Officer wish to make any statement in the mitigation of punishment?

This man joined the Army on 6th September 1940 and for two years had not a mark on his crime sheet. He then had to go to the hospital for fourteen days for stomach trouble and on discharge was sent to the 3rd Division instead of 2nd Division (his old Division), "new faces, new tricks and an old dog", they just didn't get on together (this man is 41 years of age). He went AWL when they tried to transfer him to a Pioneer Coy. He was caught after ninety days and got 120 days detention.

Then another year of good behaviour and a lapse again, not very serious, he was 5 days AWL. The day he got punished for this he receives bad news from home regarding his mother and dad. This is too much for him to figure out himself and he goes AWL again.

Gentlemen, this man as you can see, is not a hardened criminal, he is a soldier who needs a helping hand, not more punishment and I respectfully ask for a light sentence in this case.

Signed _____
(R.J.W. Hodgson) Lt

Exhibit "E"

SUMMARY OF EVIDENCE

IN THE CASE OF B-94264 Pte Walter Winfred ELDRIDGE, 1 Cdn A.S.C. Rft Unit, a soldier of the Cdn Army(Overseas).

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

FIRST WITNESS

I am Major J.G. Ryerson of 1 Cdn A.S.C. Rft Unit and produce the following documents relating to the accused, whom I now recognize.

(a) Certified true copy of extract from 1 Cdn ASC Rft Unit Part II Orders, purporting to be signed by Lt. B.H. Tobin, 1 Cdn ASC Rft Unit, certifying that B-94264 Pte Eldridge, W.W. was on 26 May 44 awarded 28 days Field Punishment for AWL from 0600 hours 19 May 44 to 2300 hours 25 May 44 (Marked Exhibit "A")

(b) Certified true copy of extract from 1 Cdn ASC Rft Unit Part II Orders, purporting to be signed by Lt. B.H. Tobin, 1 Cdn ASC Rft Unit, certifying that B-94264 Pte Eldridge, W.W. AWL from 2230 hours 26 May 44. (Marked Exhibit "B").

(c) A.F.O. 1617 Certificate of Surrender to the Civil Police, purporting to be signed by Supt. J.A. Armitage of the Central Police Station, Hull, and showing that B-94264 Pte Eldridge, W.W. surrended himself to Det. Con. Etherington at Hull, at 2030 hours 29 Jun 44. (Marked Exhibit "C").

(d) Army Form B 115 Record of the Declaration of a Court of Inquiry on the Illegal Absence of B-94264 Pte Eldridge, W.W. purporting to be signed by Colonel, H.P. Bonnick, Commanding 1 Cdn ASC Rft Unit, certifying that B-94264 Pte Eldridge, W.W. illegally absented himself without leave from 2230 hours 26 May 44. (Marked Exhibit "D").

(J.G. Ryerson) Major,
1 Cdn ASC Rft Unit.

The accused declines to cross examine this witness.

The accused 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 whatever you say or any evidence you give will be taken down in writing and may be given in evidence".

The accused declined to make a statement at this time.

I hereby certify that the foregoing Summary of Evidence consisting of one page was taken down by me in writing on the 1st day of July 1944 at 1 Cdn ASC Rft Unit in the presence and hearing of the accused and R.P. 4 (c) (d) (e) (f) and (g) have been complied with.

(S.C. Way) Lt.
Officer detailed to take
Summary of Evidence.

EXHIBIT "F"

LAST DO. No. 123 26 May 44

1 CDN A.S.C. REINFORCEMENT UNIT
CANADIAN ARMY OVERSEAS.
DAILY ORDERS PART II
BY
COLONEL H.P. BONNICK, COMMANDING

THIS DO. No. 124 27 May 44

EXTRACT:

PUNISHMENTS

B-94264
Pte. Eldridge, W.W.
(Adm Wing)

Was, on 26 May 44 awarded 28 days Field Punishment for AWL from 0600 hrs. 19 May 44 to 2300 hrs. 25 May 44 (Absent 6 days, 17 hrs.) A.A. Sec. 15(1).
Forfeits 7 days pay Art. 149 (1)(a) FR & I.

Certified True Copy

Officer IC Records
1 Cdn ASC Rft Unit

(Signed)
(J.A. Whitelaw) Capt & Adjt
for (H.P. Bonnick) Colonel,
Commanding,
1 Cdn ASC Rft. Unit.,
Canadian Army Overseas.

EXHIBIT "B"

LAST DO. NO. 126
30 May 44

1 CDN. A.S.C. REINFORCEMENT UNIT
CANADIAN ARMY OVERSEAS
DAILY ORDERS PART II
BY
COLONEL H.P. BONNICK, COMMANDING

THIS DO. NO. 127
31 May 44

EXTRACT:

16. ABSENT WITHOUT LEAVE

B-94264 Pte. Eldridge, W.W. — AWL from 2230 hrs. 26 May 44 (24 hrs) still absent.

Certified True Copy

Officer IC Records
1 Cdn ASC Rft Unit.

(Signed)
(J.A. Whitelaw) Capt & Adjt
for (H.P. Bonnick) Colonel,
Commanding,
1 Cdn ASC Rft. Unit.,
Canadian Army Overseas.

Exhibit "C"

I CERTIFY that the man whose personal description is given below surrendered himself to* Det. Con. Etherington

at HULL at (hour) 8.30 p.m. on the 29th day of June, 44 as being No. B.94264 (Rank and Name) Driver Walter Winfred ELDRIDGE a deserter (or absentee without leave) from 1st C.A.S.C.R.U. and it appears to me from his confession that he is a deserter or absentee without leave.

*After the word "to" to be inserted the name and rank of the police officer concerned.

Age 40 Height 5' Feet 7 Inches

Complexion Fresh Hair Grey

Eyes Blue

Marks -

In uniform or plain clothes Uniform

Probable Date and Place of Attestation	6-9-1940 TORONTO
Probable Date of Desertion or beginning of absence, and from what place	26-5-44 BEVERLEY

HULL CITY POLICE 30 JUN 1944 CENTRAL DIVISION

Signature of Officer of Police in charge of Central Station.

Hull.

29-6-44. Date of Signature.

Army Form O.1617
R.A.F. Form 1617

PART 2.

This portion of the Form should be completed and forwarded to the Officer Commanding the man's unit to whom Part 1 of this Form is sent, as soon as all expenses have been ascertained.

(It should not be detached from Part 1 unless delay in completion is unavoidable.)

The refund of expenses incurred by the Police applies *only* in the case of the Police Authorities in Northern Ireland, the Isle of Man and the Counties of Orkney and Shetland.

Statement of Expenses chargeable to Army or Air Force Funds

incurred by the ..... Police in the case

of No. .....

who surrendered to the Police at ..... on .....

Payable to .....

CERTIFIED that this statement of expenses is correct.

..... Superintendent or Officer in charge of Police Station at .....

..... Date of Signature.

Exhibit "D"

Army Form B 115.

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 Victoria Bks, Beverley, Yorks

on the 20th day of June 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. B 94264 Pte Eldridge, W.W., 1 Cdn ASC Rft Unit

DECLARATION.

The Court ~~declare~~ reports that B 94264 Pte Eldridge, W.W., 1 Cdn ASC Rft Unit illegally absented himself without leave from 2230 hrs, 26 May 44 and is still absent, and that on the 1st May 44 he was deficient and is still deficient of kit to the total value of £4-19-8½, 75% of which is £3-15-6¾.

(E.H. Petry) Lt, RCASC,
1 Cdn ASC Rft Unit - PRESIDENT

(L. Bake) Lt, RCASC,
1 Cdn ASC Rft Unit - MEMBER

Names of President and Members

(R.H. Smith) Lt, RCASC,
1 Cdn ASC Rft Unit - MEMBER

Signature of Commanding Officer

CERTIFIED TRUE COPY

Signature of Officer having custody of the Original Record.

(20627) Wt.51046/560 100,000 2/44 A.& E.W Ltd. Gp.698 Forms/B.115/60

Original sheet not available

No. B94264 Name Eldridge, W.W. | Sqn., Battery, or Company | Corps RCASC | Date of enlistment 6 Sep 40 | G.C. Badges | Service or Proficiency Pay | M.F.M. 6 (A.F.B. 122) 40/P & S/126 (

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	19 Apr 43	Pte		AA Sec 15(1) AWL from 1100 hrs 19 Apr 43 until 1505 hrs 8 Jul 43. (Absent 80 days 4 hrs 5 min)	Documentary	120 days detention	26 Jul 43 Confirmed 27 Jul 43	F.G.C.M.	Forf 120 days pay FR&I 149 (1)(b) Forf 80 days pay FR&I 149 (1) (a) Forf 18 days pay FR&I 149 (1)(c)(i)

Exhibit (G)

Placed under stopp of pay in the Amt of £0.9.4 FR&I 172(8) FR&I Cost of Apprehension

Total Forf. 218 days pay and £0.9.4

Released from the Detention Barrack Field on Oct 13 1943 sentence having expired. Remission earned under "Rules for Detention Barracks and Military Prisons, 40 days. (Sgd) Commandant.

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Beverley Yorks	8 May 44	Pte		AA Sec 15(1) NOAS. absenting himself from 1000 hrs 8 May 44 to 2230 hrs 8 May 44 (TTA 12 hrs 30 mins)	Cpl Dupuy, E. Cpl Stevens, A.R.	7 days pay	9 May 44	Lt-col L.C. Parkinson	Forf 1 day FR&I 149(1)(a)
Field	19.5. 44	Pte		A.A. Sec 15(1)-AWL from 0600 hrs 19 May 44 to 2300 hrs 25 May 44 when app by Regtl Police in Hull (TTA 5 days 17 hrs)	Cpl. E. Dupuy	28 days FP	26May44	L.C. Parkinson Lt-col	Forf 7 days FR&I 149(2) Auto Forf 6 days pay FR&I 149(1)(a)

CERTIFIED TRUE COPY AS COMPILED FROM DOCUMENTS IN MY POSSESSION

Officer i/c Regt'l Book

[illegible]

Gnr
(Cdn ASC Pte) Unit RCASC.

Exhibit F

M.F.B. 355
22M—5-41 (579-3)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-94264	Pte	ELDRIDGE, W.W.	1 Cdn ASC Rft Unit

1. The following is a fair and true summary of the entries in the [redacted] Conduct sheets [redacted] of the accused, exclusive of convictions by a Court-Martial or a Civil Court, [redacted] of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.A.Sec. 15 (1)	2 times	A.A.Sec. 15(1)	2 times
For		times		times
For		times		times
For		times		times

[redacted]

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

[redacted]

Previous convictions of the accused by a court-martial [redacted] Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. [redacted]

or,

The accused at the present time is under sentence for 28 days beginning on the 26th day of May 1944 Field Punishment

4. The accused has been in confinement awaiting trial on the present charge for 6 days in [redacted] civil custody, and Nil days in military custody, making a total of 6 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 41 years 11 months

6. The date of his [redacted] attestation specified in his [redacted] attestation paper 6 Sep 1940

7. The service which the accused is allowed to reckon towards discharge is Nil

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

9. The accused is in possession of or entitled to [redacted] military decoration, [redacted] military reward (or is in possession of or entitled to). State any [redacted] military decoration or reward. C.V.S.M.& Clasp wef 15 Jan 1944

10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held [redacted] Air Force the regimental rank of N/A

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

N/A dated N/A, and in his regiment (or corps), the rank of

N/A dated N/A.

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of NOT APPLICABLE years.

In the rank of years.

In the rank of years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number B-94264 Rank Pte Unit Name Eldridge, W.W. of 1 Cdn A.S.C. Rft Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
F.G.C.M.	19 Apr 43	A.A.Sec. 15(1)	120 days Detention	40 days

E.&O.E.

J.G. Ryerson

(J.G. RYERSON) Major,
Offr i/c Regt'l Books
1 Cdn A.S.C. Rft Unit
1 Jul 44
(Having custody of Original Documents)

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 day of

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

Geo R Gauvreau RCASC
1 Cdn A S C Rft Unit

95.

I, the accused, B 94264 Pte Eldridge, W.W., desire the convening authorities to appoint a competent Officer to defend me at my forthcoming Trial by Field General Court-Martial.

(B.94264 Pte Eldridge, W.W.)

W Eldridge

4y

LIST OF EXHIBITS

(A) Certified true copy of extract from 1 Cdn ASC Rft Unit Part II Orders, purporting to be signed by Lt. B.H. Tobin 1 Cdn ASC Rft Unit, certifying that B-94264 Pte Eldridge,W.W. was on the 26 May 44 awarded 28 days Field Punishment for AWL from 0600 hours 19 May 44 to 2300 hours 25 May 44.

(B) Certified true copy of extract from 1 Cdn ASC Rft Unit Part II Orders, purporting to be signed by Lt. B.H. Tobin 1 Cdn ASC Rft Unit certifying that B-94264 Pte Eldridge, W.W. AWL from 2230 hours 26 May 44.

(C) A.F.O. 1617 Certificate of Surrender to the Civil Police purporting to be signed by Supt. J.A. Armitage, of the Central Police Station, Hull. and showing that B-94264 Pte Eldridge, W.W. surrended himself to Det. Con. Etherington at Hull at 2030 hours 29 Jun 44.

(D) Army Form B 115 Record of Declaration of a Court of Inquiry on the Illegal Absence of B-94264 PteEldridge, W.W. purporting to be signed by Colonel, H.P. Bonnick, Commanding 1 Cdn ASC Rft Unit, certifying that B-94264 Pte Eldridge, W.W. illegally absented himself without leave from 2230 hours 26 May 44.

LIST OF WITNESSES

(A) Major J.G. Ryerson, 1 Cdn A.S.C. Rft Unit.

A1 LL-90

Correspondence to be PINNED here.

Army Form A.3.

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

PROCEEDINGS.

A.

Order convening the Court.

On Active Service, this 23rd day of July, 19 43

Whereas it appears to me, the undersigned, an officer in Command of 3 Cdn Div, 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.]~~

*Omit where Convening Officer is a Commanding Officer or is of Field Rank.

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

*Omit if not applicable.

*~~[I am unable to appoint:—~~

*~~(1. Three Officers to form the Court;~~

*~~(2. A Field Officer as President.)~~

~~for the following reasons, namely:—]~~

E.W. McDonald Capt for A/DAG 16 Sep 43

A/Lt Col A/DAG President

NOTE.—The President must be named. The members and waiting members (if any) may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named. In the latter event, the ranks, names, &c., of the members of the court, as constituted, will be recorded on the proceedings.

President.

Rank.	Name.	Regiment.
Major	E P Turton	3 Cdn Div Sigs

Members.

Rank.	Name.	Regiment.
Capt	M G Christie	7 Recce Regt
Lieut	R.E. DORSEY F H Welsh	3 Cdn Div Sp Bn (C H of O)
Waiting Member Lieut	F A Thurgood	7 Cdn Inf Bde Coy, RCASC

* Must be signed personally by the Officer actually in command at the time, and all alterations in the composition of the Court to be initialled by him.

*Signed H.F.L. Keller (H F L Keller) Major-Gen.

Commanding 3 Cdn Div

Convening Officer.

113

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/94264 Pte W W Eldridge 8 Cdn Inf Bde Coy RCASC	Army Act Sec 15(1) (See charge sheet att)	Guilty Guilty	Guilty 120 days Def. Stoppage of 9 Shillings and 4 pence cost of apprehension. E P Turton Major 26 July 43	I confirm the finding and Sentence of the Court. R.F.L.K.

* 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?"
Answer (*if he records it on separate sheet if necessary*):—

(Signed) R.F.L. Keller (R F L Keller) Major-Gen
Commanding 3 Cdn Div

(Signed) E.P. Turton Major
(E P Turton) Major
3 Cdn Div Sigs
Convening Officer (*e*) — *President.*

(*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.

Evidence and Charge Sheets (if necessary) to be PINNED here.

B. Certificate of President as to proceedings.

I certify that the above Court assembled on the 26 day of July, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case 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
~~*(3. The interpreter)~~ EPT
*(4. The officers under instruction)

were duly sworn.

* Omit if not applicable.

Signed this 26 day of July 1943

E.P. Turton Major.
President of the Court Martial.

C. Certificate in case of death sentences.

* See footnote (*b*) on page 762 M.M.L. 1929.

~~I certify that the terms of *A.C.I. 570 of 1918 have been complied with.~~ EPT

~~Signed this day of 19~~ EPT.

President of the Court Martial.

D. Confirmation.

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

* To be omitted unless penal servitude, imprisonment or detention having been awarded, the Confirming Officer either has no authority to commit to prison or detention barrack, or, having such authority, recommends suspension.

~~*(I direct that the soldier named in the margin be not committed to prison or detention barrack until further orders.)~~ EPT

Signed this 27th day of July 1943.

R.F.L. Keller Maj.-Gen.
Confirming Officer.
G.O.C. 3 Cdn Div

Promulgated and extracts taken in the case of B94264 Pte ELDRIDGE, W.W.

(*a*) (Dated) 30 July 1943 (Signed) E.P. Turton Major

Promulgated and extracts taken in the case of

(Dated)..... (Signed).....

Promulgated and extracts taken in the case of

(Dated)..... (Signed).....

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

W.L. 47797/1937 35 M. 5/41 KJL/5265(2) Gp. 698/3

B2

CHARGE SHEET.

Lt/Col Lambert
President

The accused, No. B94264 Pte. Eldridge, W.W., 8 Cdn. Inf. Bde. Coy., Royal Canadian Army Service Corps, a soldier of the Canadian Army on Active Service, is charged with;

Absenting himself without leave;

in that he

1st Charge Sec. 15(1) Army Act

W.O.A.S. in the field on 19 Apr 43 did absent himself without leave from 1100 hours 19 Apr 43 until apprehended by the Military Police, Brighton at 1505 hours 8 Jul 43. (Absent 80 days 4 hours 5 minutes.)(Close arrest from 1506 hours 8 Jul 43.) (Cost of apprehension of £0.9.4.)

(J.A. Stairs) Major
Officer Commanding
8 Cdn Inf Bde Coy RCASC

Field
15 Jul 43.

To be tried by Field General Court Martial.

(H F L Keller)
Major-General
GOC 3 Cdn Div

In the field
14 Jul 43

B2

CHARGE SHEET.

Ltr Supt President

The accused, No. B94264 Pte. Eldridge, W.W., 8 Cdn. Inf. Bde. Coy., Royal Canadian Army Service Corps, a soldier of the Canadian Army on Active Service, is charged with;

Absenting himself without leave;

in that he

1st Charge Sec. 15(1) Army Act

W.O.A.S. in the field on 19 Apr 43 did absent himself without leave from 1100 hours 19 Apr 43 until apprehended by the Military Police, Brighton at 1505 hours 8 Jul 43. (Absent 80 days 4 hours 5 minutes.)(Close arrest from 1506 hours 8 Jul 43.) (Cost of apprehension of £0.9.4.)

(J.A. Stairs) Major
Officer Commanding
8 Cdn Inf Bde Coy RCASC

Field
15 Jul 43.

To be tried by Field General Court Martial.

(H F L Keller)
Major-General
GOC 3 Cdn Div

In the field
24 Jul 43

MEDICAL OFFICER'S CERTIFICATE

K.R. (CAN.) PARA. 557

I certify that I have this morning examined

Reg.No. B-94264 Rank Pte. Name Eldridge, W

and in my opinion he is fit to undergo trial by Court Martial.

Field, 26 Jul 43. M.O. 3rd. Cdn. Div. RCAMC

Lt Col
Lieut.

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

A

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

Proceedings of a Field General Court-Martial held at
on the 26 day of July 1943 by order of
Major Gen. RFL KELLER Commanding 3 Can Inf Div.
dated the 23 day of July 1943

President.
Major E.P Turton 3 Can Div Sigs

Members.
Capt. MG Christie 7 Recce Regt.
Lt R.E. Dorsey C.H.Q.

Judge Advocate.

Trial of* B94264 Pte ELDRIDGE N.W. 8 Can Inf Bde Coy RCASC

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.~~ M

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

The accused is brought before the Court.

Prosecutor,† Capt E.F. MANNING, 8 Can Inf Bde Coy RCASC

Counsel‡ or defending officer† Lieut P.E. GNEST 8 C.I.B Coy RCASC

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked A1 signed 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.

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

Answer by accused. No sir

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

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

Mil. Form B. 771
1036—8-41 (3150)
H.Q. 1773-99-234

B

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

The following officers under instruction are duly sworn.

Lieut F.E. Grant 3 Cdn Div Sigs

Charge-Sheet

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

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

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

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

Answer.

GUILTY

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

Answer.

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

Answer.

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

Answer.

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

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

B 1

I have satisfied myself that non of the Officers detailed as members of this court have previously served upon any court of Inquiry respecting the matters forming the subject of the charge before this Court Martial

E. P. Lull Judge Advocate
recorded.

CC

Proceedings on Plea of Guilty

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

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

The accused B94264 Pte ELDRIDGE W.H. 8 CIB Coy RCASC is found guilty of the charge.

*The summary (or abstract) of evidence is read, marked CC1, signed by the President, and attached to the proceedings.

Question to the accused. Do you wish to make any statement in mitigation of punishment?

Answer. The accused in mitigation of punishment says:—

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

Lieut P.E. GNEST for the accused says:-
"The accused admits his mistake and has pleaded guilty it is respectfully submitted to the court that although previous A.W.L. offences have been committed no charges of a previous nature exist

Instruction.

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

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

DD

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

Question to the accused.

No

Answer.

Evidence as to character.

E

Finding

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

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

The Court find that the accused

Proceedings on Conviction *before Sentence*

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

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

Evidence of character, &c.

Capt. E.F. MANNING, 8CIB Cy RCA-SC is duly sworn.

Question by the President.

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

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked E1, 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.* Yes.

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.* Yes.

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

Cross-examined by the accused.

The accused declines to cross examine this witness

Question to the accused.

Do you wish to address the Court? *Answer.* No

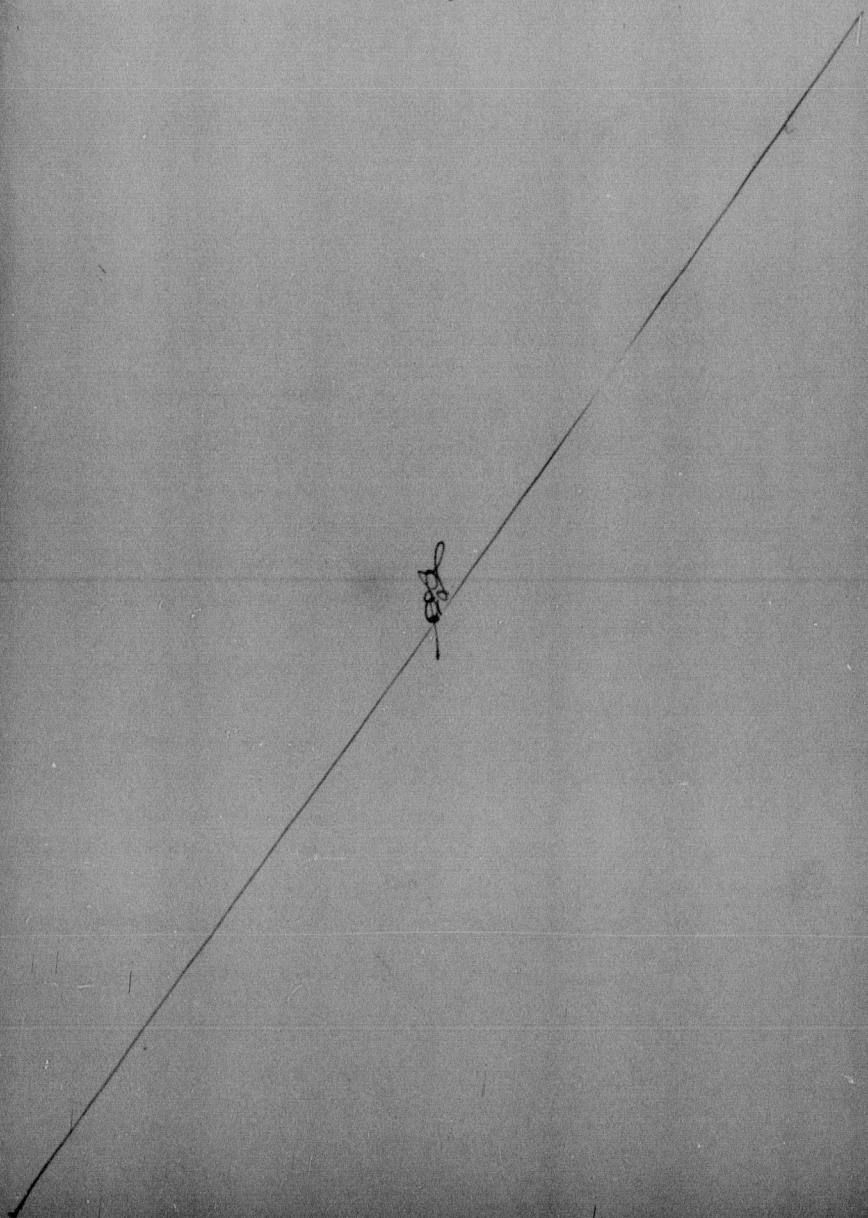
The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused B94264 Pte ELDRIDGE WW *Sentence.*

120 days Detention
Stoppage of pay 9 shillings 4 pence
— cost of apprehension



ORIGINAL EXHIBITS

Certificate of apprehension

Certificate of Costs of Return.

Statement of C.S.M. Harvey, W., 5 Cdn Gen Pioneer Coy

EXHIBIT "A"

Certificate in accordance with Army Act. Section 163 (1)(11)

I certify that No. 3 94764 Rank Pte Name Evans

Unit 5 Glo Norfolk Regt was arrested at Dublin

8/7/43 about 1505 hrs and that at the time of

his arrest he was wearing military uniform.

1943 I.C.

Signature of Provost Marshal A.P.M., or other officer into whose custody the above named person was taken into arrest. L.W. Paige Lieut.

CHARGE

Army Form B 252
(See King's Regulations)

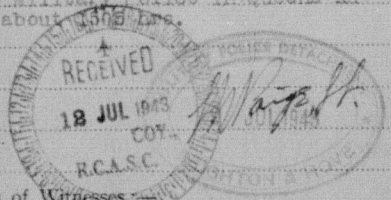
No. 5 General Pioneer Corps Regiment
Battery / Squadron / Troop or / Company

CHARGE against No. B.94264 Rank Pte

Name ELDRIDGE W.W.

Place Brighton Date of Offence 8/8/43

OFFENCE W.C.A.S. was absent without leave from -- until apprehended by the Military Police in Queens Rd at about 1305 hrs.



Names of Witnesses:—

L/c Neilson A.M. Brighton & Hove Mil Police

" Tunnah R. 8 Cdn Provost Coy.

Signature of O.C. Battery, Squadron, Troop or Company .....

Punishment Awarded .....

By whom Awarded .....

Adjutant.

36188. Wt.W21374/1961 2,000,000 10/42. K. & H., Ltd. G657/47

P.T.O.

Statement of **EVIDENCE** in the case of

B.94264 Eldridge W.W.
No.5 General Pioneer Corps

Sir,

At Brighton on the 8/7/43 at about 1505 hrs I was on patrol duty in Queens Rd. Acting on information received from two civilians I entered the I.M.C.A. No.108 Queens Rd and questioned the a/n. Not being satisfied with his statement I accompanied him to CMP HQ where it was ascertained that he was absent from his unit. He was placed under close arrest and conducted to the Civil Police Station to be detained pending arrival of escort.

A. Neilson L/Cpl.
Brighton & Hove Military Police

Sir,

I have read over and corroborate the above statement.

L/Cpl

No.8 Cdn Pro **REMARKS**

EXHIBIT "B"

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

Reg. No. B-94764 Rank Pte. Name Eldridge, W.W. Unit 5 Bde. 4 Can. Pioneer Corps

The following expenses were incurred in apprehending and returning the M/N Soldier to ~~his Unit From~~ London from Brighton

Date	Particulars (⅓ portion)	Amount		
10 July 43	Escorts return fare from LONDON To Brighton		5'	4
	Prisoners single fare to LONDON From Brighton		4	0
	Prisoners fare from To			
	Escorts & Prisoners expenses for Bed, Meals, Bus fares			
	Total £		9	4

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

..... Capt.

Officer Issuing Railway Warrant and Expense monies
No. 6 Provost Company, Canadian Provost Corps, London.

C.M.H.Q. 1000:55
40/P & S/483

EXHIBIT "C"

M 11095 C.S.M. Harvey,W. of 5 Canadian General Pioneer Company (sworn) states:

I have been Company Sergeant-Major of 5 Canadian Pioneer Company since 4 Mar 43. Pte. Eldridge,W.W. did not report on transfer on 19 Apr 43. I had never seen Pte Eldridge till Saturday 10 July 43 when he was brought into our guard room by the Canadian Military Police.

W. Harvey. C.S.M.

M 11095 CSM Harvey,W.

This is to certify that the above statement was taken under oath on 13 July 43.

(A.A. Trimble) Lt.

CC1

Summary of evidence in the case of B94264 Pte. Eldridge, W.W. 8 Cdn. Inf. Bde. Coy., R.C.A.S.C. a soldier of the Canadian Army Overseas.

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

1st Witness for the Prosecution

Lt. C.J. Christie, Adjt. 8 C.I.B. Coy., R.C.A.S.C. having been duly sworn states;

I present a Certificate of Apprehension, purporting to be signed by the officer into whose custody the above named person was taken into arrest. (attached as Exhibit "A"), Certificate of Costs of return purporting to be signed by the officer Issuing Railway Warrant and Expense Monies, No. 6 Provost Coy. Cdn. Provost Corps, London (attached as Exhibit "B") both of which relate to the accused whom I recognize.

The accused declines to cross-examine this witness.

(C.J. Christie) Lt.

2nd Witness for the Prosecution

K79078 Cpl. Emery, A.C. of 8 C.I.B. Coy., R.C.A.S.C. having been duly sworn states;

I am the Orderly Room Corporal of this Coy. On 19 Apr 43 acting on authority of 2nd Echelon, message No. EA7/1384 d/13 Apr 43, I prepared the documents and railway warrant necessary to despatch Pte. Eldridge to 5 Cdn. Gen. Pioneer Coy. I arranged with the Orderly Sgt. of the day for the transportation of Pte. Eldridge from Coy. Orderly Room to Shoreham by Sea Railway station. At approximately 1100 hrs. 19 Apr 43. I handed Pte. Eldridge a railway warrant, movement order and medical examination certificate, at the same time repeating verbally the directions contained in the movement order.

The accused declines to cross-examine this witness.

(K79078 Cpl. Emery, A.C.)

Third Witness for the Prosecution

K79183 L/Sgt. MacKenzie, J. of 8 C.I.B. Coy., R.C.A.S.C. having been duly sworn states;

On 19 Apr 43 I was Coy. Orderly Sgt. At approximately 1000 hrs. Cpl. Emery came to me and asked me to arrange transport for Pte. Eldridge and Pte. Nickerson who were being transferred to the Pioneer Coy. This was done and the orders issued that the men be transported to Shoreham by Sea station. These instructions were carried out.

Examined by the Officer taking the Summary.

Q.1 When was the last time you saw Pte. Eldridge prior to his beinf returned under escort.

A.1 In front of Coy Orderly Room at about 1100 hours 19 Apr 43.

J MacKenzie L/Sgt.

(K79183 L/Sgt. MacKenzie, J.)

Fourth Witness for the Prosecution.

M11095 C.S.M. Harvey, W. of No. 5 Cdn Gen. Pioneer Coy.

A written statemtn of this witnesses evidence, taken under oath, and signed by him, has been read to the accused and is included in this summary, (Attached as Exhibit "C"), and having regard to Pte. Eldridge not reporting to 5 Cdn Gen. Pioneer Coy on transfer.

The attendance of this witness cannot, in my opinion, be readily procured.

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

H.A. Trimble Lt.

(H.A. Trimble) Lieut.
Officer detailed to take the Summary.

The accused having been duly warned in accordance with Rule of Procedure 4(E) declines to make a statement and reserves his defence.

Certified that Rule of Procedure 4(C), (D), (E), (F) and (G) have been complied with.

Taken down by me in the presence and hearing of the accused this 13th day of July, 1943, in the Field.

H.A. Trimble Lt.

(H.A. Trimble) Lieut.
Officer Taking Summary.

Compiled from MFM 4

No. B94264 Name Eldridge, W.W. Sqn., Battery, or Company — Corps R.C.A.S.C. Date of enlistment 6 Sep 40 G.C. Badges — Service or Proficiency Pay N/A — M.F.M. 6 (APR 1941) 175M—7-41 (1219-1) H.Q. 1772-39-1

Date of last entry in Company Conduct Sheet N/A — No. and date of last drunk N/A — Period not reckoning towards freedom from extra fine N/A — Sheet No. 2 — Signature O.C. Company, etc. — Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Previous sheet destroyed				on completion of six months service	6 Mar 41	Last entry 23 Oct 40			
Field	30May41	Pte.		AA15 (1) AWL 22 Days 22 Hrs.	L/Cpl.Wood H	28days detention	7Jul41	Maj.P.H. Sabard.	Pay stopp. 27-8-3
Field	26Sep41	Pte.		AA Sec40 Cond.to.Prej. talking on parade.	Sgt. Gibson	7 days CB Forf. 7days.pay	27Sep41	Maj.P.H.Sabard	
Field	11Oct41	Pte.		Sec 41 AA (5)	Sgt. Turgeon	7 days CB			
Field	18Mar42	Pte.		Sec.15 (1) AWL Abs 1day 23hrs.	Cpl. Beattie	7 days pay Forf 10 days pay	20Mar42	Maj. P.H. Sabard	
Field	6 Oct42	Pte.		Sec. 15(1) AA					

(P.T.O.)

E 1

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

B94264 Pte. Eldridge, WW OF THE 8 Cdn Inf Bde Coy RCASC

1. The following is a fair and true summary of the entries in the [redacted] Company Conduct sheets of the accused, exclusive of convictions by a Court-martial or Civil Court, and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment
For A.W.L.	1 times	3 times
For	times	times
For	times	times
For	times	times

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

[redacted]

[redacted]

2. The accused has not been previously convicted

[redacted]

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

[redacted]

4. The accused has been in confinement awaiting trial on the present charges, for No days in civil custody, and 18 days in military custody, making a total of 18 days in custody, of which no days were spent in hospital.

5. The present age of the accused according to his attestation paper is 39 years

6. The date of his attestation specified in his attestation paper is 6 Sep 40

7. [redacted]

8. [redacted]

9. [redacted]

10. The accused is in possession of or entitled to no naval, military or air force decoration, or naval, military or air force reward which the Court can forfeit [redacted]).

11. [redacted]

N. F. B. 555
1M—11-39
H.Q. 1775—39—620

12. [redacted]

[redacted]

13 [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

The above statement (with the schedule of convictions) is read, is marked .....

..... signed by the president, and annexed to the proceedings.

SCHEDULE OF CONVICTIONS, BY A COURT-MARTIAL OR CIVIL COURT, OF ACCUSED

RANK, NAME AND REGIMENTAL NUMBER Pte. Eldridge, W.W. B94264

of the 8 Cdn Inf Bde Coy RCASC

NOTE:—A verbatim extract from the regimental books stating the convictions, must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		NIL		

I hereby certify that the foregoing Schedule of Convictions is a true extract from the regimental books in my custody.

Signed this 26th day of July 1943

MAJOR,
OFFICER COMMANDING,
8 CDN. INF. BDE. COY. RCASC.

I, the undersigned, wish to have an officer assigned by the Convening Officer to represent me at the trial.

W Eldridge

(W.W. Eldridge) Pte.
B94264.

Field
15 Jul 43.

LIST OF WITNESSES FOR THE PROSECUTION.

Lieut. C.H. Christie	8 Cdn Inf Bde Coy RCASC
K79078 Cpl. Emery, A.C.	8 Cdn Inf Bde Coy RCASC
K79183 L/Sgt. MacKenzie, J.	8 Cdn Inf Bde Coy RCASC
M11095 CSM. Harvey, W.	5 Cdn Gen Pioneer Coy

LIST OF WITNESSES FOR THE DEFENCE.

NIL.

H.Q.C. 55-E-356 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT

FIELD GENERAL COURT-MARTIAL

ELEY, THOMAS D-9091 BOMDR.

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR (If purpose for which referred cannot be expressed on one line enter here "With Minute")	INITIALS	DATE
							15-1-47

OVERSEAS COMBINED

CONFIDENTIAL
H.Q.C. 55-E-356

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for one or two years than to keep it year after year. Files should be closed when completed and sent to Archives, and other files substituted if necessary.

Correspondence to be PINNED here.

LI-129

Army Form A.3.

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

PROCEEDINGS.

A.

On Active Service, this 5th day of July, 19 43

Order convening the Court.

Whereas it appears to me, the undersigned, an officer in Command of 2 Army Group RCA, First 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 Martial; *[and that it is not practicable to delay the trial without reference to superior qualified officer.]

*Omit where Convening Officer is a Commanding Officer or is of Field Rank.

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

*[I am unable to appoint:—

*(1. Three Officers to form the Court.)

*(2. A Field Officer as President.)

for the following reasons, namely:—]

* Omit if not applicable.

NOTE.—The President must be named. The members and waiting members (if any) may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named. In the latter event, the ranks, names, &c., of the members of the court, as constituted, will be recorded on the proceedings.

President.

Rank.	Name.	Regiment.
Major	J.S. Hart	2 Cdn A Fd Regt

Members.

Rank.	Name.	Regiment.
Capt	G. Whittaker	2 Cdn Med Regt
Lieut	A.T. Holland	2 Cdn Med Regt
Waiting Member: Lieut.	J.L. Boyes	5 Cdn Med Regt

* Must be signed personally by the Officer actually in command at the time, and all alterations in the composition of the Court to be initialled by him.

*Signed W F Huckvale
(W.F. Huckvale) Brigadier
Commanding Comd - 2 Army Gp RCA
First Cdn Army *Convening Officer.*

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*)
D9091 Bdr. Fley,T. 5 Cdn Med Regt RCA	(1) A.A. Sec 15(1) Absence without leave. See Charge Sheet attached.	Guilty.	Guilty. To be reduced to the rank 8 July 43. and forfeits 4 days pay. FR&O 148(1A) J.S.Hart Maj.	Confirmed 12 Jul 43 W.E.H.

* 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?"
Answer (*to be recorded on separate sheet if necessary*) :— N.A.

(Signed) W.E. Huckvale (W.E. Huckvale) Brigadier, Commanding 2 Army Group RCA
Convening Officer (e)

(Signed) J.S. Hart Major J.S. Hart 7 Cdn A Fd Regt RCA
President.

(*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.

Evidence and Charge Sheets (if necessary) to be PINNED here.

B. Certificate of President as to proceedings.

I certify that the above Court assembled on the 8 day of July, 1943, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case 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.

J.S.H. { *(3. ~~The interpreter~~)
*(4. ~~The officers under instruction~~)

were duly sworn.

Signed this 8 day of July 1943

J.S. Hart Maj.

(J.S. Hart) Major *President of the Court Martial.* 7 Cdn A Fd Regt

C. Certificate in case of death sentences.

* See footnote (*b*) on page 762 M.M.L. 1929.

I certify that the terms of *A.C.I. 570 of 1918 have been complied with. J.S.H.

Signed this day of 19 .

President of the Court Martial.

D. Confirmation.

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

* To be omitted unless penal servitude, imprisonment or detention having been awarded, the Confirming Officer either has no authority to commit to prison or detention barrack, or, having such authority, recommends suspension.

~~*I direct that the soldier named in the margin be not committed to prison or detention barrack until further orders.~~) W.E.H.

Signed this 12 day of July 1943.

W.E. Huckvale

(W.E. Huckvale) Brigadier *Confirming Officer.* Comd- 2 Army Group RCA First Cdn Army

Promulgated and extracts taken in the case of

(*a*) (Dated) 14 Jul 43 (Signed) E.A. Shuttleworth Lt Col Comd 2 Can Med Hyg K.C.R.

Promulgated and extracts taken in the case of

(Dated) (Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

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

W.L. 47797/1057 35 M. 5/43 KJL/9265(2) Gp. 698/3

984

CHARGE SHEET

The accused, D9091 Bombardier Thomas Eley, 5 Canadian Medium Regiment, Royal Canadian Artillery, a soldier of the Canadian Army (Overseas) placed on active service, is charged with:

FIRST CHARGE: WHEN ON ACTIVE SERVICE, ABSENCE WITHOUT LEAVE

AA Sec 15 (1)

in that he,

In the Field,
at 2359 hours on the 19th day of Jun 1943, did absent himself without leave from 7 Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery, until reporting back at 2330 hours on the 23rd day of June 1943.
Absent 3 days, 23 hours and 31 minutes.

E.R.Suttie

(E.R.Suttie) Lt.Col. R.C.A.
Commanding 5 Canadian Medium Regiment, R.C.A.

Field/26 June 43.

To be Tried by Field General Court Martial
Field
30 June 43.

E.L.Buckwalter
[illegible]
COMD'G 1 CDN ARTY BDE
FIRST CDN ARMY

MEDICAL OFFICERS CERTIFICATE

K.R. (CAN) PARA 557

I certify that I have this morning examined;

No. D.1091 Pte. Shirley, T.

of T.A. Med. Regt. R.C.A.

and in my opinion he is fit ~~unfit~~ to undergo Trial by Court Martial.

Station Aldershot

Date 8.6.43

Medical Officer R.C.A.

Officer, 5th Cdn Medium Regt., R.C.A.

Accused D9091 (Number) Bdr (Rank) Thomas (Christian Names) Eley (Surname) 5 Cdn Med Regt (Unit)

Held in the Field in Surrey, England (Country) on 8 July 43 (Date)

	Rank	Name	Unit
PRESIDENT:	Major	J.S. Hart	7 Cdn A Fd Bty.
MEMBERS:	Capt.	G. Whittaker	3 Cdn Med Bty.
	Lieut.	A.T. Holland	2 Cdn Med Bty.

JUDGE ADVOCATE: (If any) N.A.

OFFICERS UNDER INSTRUCTION: N.A.

PROSECUTING OFFICER: Capt. J McKay Lawyer? Ans No.

DEFENDING OFFICER: Lieut. F.L. Jones. Lawyer? Ans No.

(The following procedure must be actually carried out)

The President produced the Convening Order, Charge Sheet(s) and Summary of Evidence. (Rs P 17(2), 22(A)).

The President, in closed court (R.P.22, fn 1), reads the Convening Order and the Charge Sheet(s) to the Members, and the Court satisfy themselves that it is properly convened (A.A.49; R.P.105) and constituted, that the accused is (are) amenable to Military Law, and that each charge discloses an offence. (R.P.106)

The accused is (are) brought before the Court, and at 1000 hours, the trial commences.

The Prosecuting Officer produces a Medical Certificate under K.R. (Can)557 (See CMHQ Circular Letter 173) that the accused is (are) fit to undergo trial by Court Martial. The certificate is initialled by the President and attached to the Proceedings.

President to accused:
Do you object to N.A. as interpreter? Ans ____

The interpreter is duly sworn.

Do you object to Cpl. Cole as shorthand writer? No

The shorthand writer is duly sworn. (Forms of Oath on Page 'D'.
The Convening Order is read in the hearing of the accused.
The names of the President and Members of the Court are read to the accused (R.P.10)

President to accused:
Do you object to be tried by me as President or by any of the Officers whose names you have heard read over? Ans No.

The President, Members, Judge Advocate and Officers under Instruction are duly sworn (R.P.26-27 (Forms of Oath on Page 'D')

The Charge Sheet(s) is (are) initialled by the President.

The Prosecuting Officer informs the Court that the accused has (has not) elected trial by Court Martial (A.A.46(8))

(If special plea/s is/are made for separate trial on one or more charges (Rs P 62(E), 108); or as to the jurisdiction of the Court (R.P.34); or in bar of trial (R.P.36); or as to accused's mental fitness to stand trial (A.A. 109, R.P.57), record such pleas and evidence (if any) on separate sheet/s to be initialled by the President and attached to the proceedings.

Each charge is read to the accused and he is asked as each charge is read whether he pleads guilty or not guilty (R.P.112). He pleads as follows:

First Charge Guilty.

Second Charge

Third Charge

Fourth Charge

Fifth Charge

Sixth Charge

Seventh Charge

Eighth Charge

(For procedure on alternative charges, see R.P. 37, rn 2)

Further proceedings are recorded on Pages hereto attached.

PAGE 'A'

(For use when accused pleads guilty to all charges)

(All printed matter not applicable to be struck out and all alterations, erasures and additions to be initialled by the President)

1. R.P.35(B) is complied with, by the President ascertaining that accused understands the nature of the charge/s (fn 3) and his plea thereto, explaining the difference in procedure by the plea (R.P. 37(B)) and advising him to withdraw his plea if he thinks the accused ought to plead 'Not Guilty' thereto.

2. President to accused:
Q. Do you desire to make any statement of the circumstances, in reference to the charge/s? (R.P.37(B) Ans No

(Statement, if any, not on oath is recorded on separate sheet, initialled by the President and attached hereto. Accused is not subject to cross-examination thereon)

3. Summary of Evidence is read aloud, in the presence of the accused, initialled by the President and attached to the proceedings. (If no such summary, it is necessary for determination of sentence that sufficient evidence be taken and recorded on separate sheet, initialled by the President and attached to the proceedings (R.P.37(B)).

4. President to accused:
Q. Do you wish to make any statement in mitigation of punishment? (R.P.37(C). Ans NO

(Statement, if any, is recorded on separate sheet, initialled by the President and attached hereto. No cross-examination)

5. President to accused:
Q. Do you wish to give evidence yourself or call any witnesses as to character? (R.P.37(C). Ans No

(Such evidence, confined to character only, is recorded on separate sheet, initialled by the President and attached hereto)

6. Statement of Character and Service (A.F.B.296) and Field Conduct Sheet (M.F.M.6), signed in the manner required by A.C.I.163(1)(n) and purporting to refer to the accused by his number(if any), rank, name and Corps, are produced to the Court, read, marked "A", and "B", initialled by the President and attached to the proceedings. (R.P. 46; Overseas R.O. 3131)

7. President to accused:
Q. Do you wish to address the Court on your Statements of Character, Service and Conduct in further mitigation of punishment? (R.P.46(D)). Ans No (No cross-examination)
(Record address, if any, on separate sheet, initialled by the President and attached hereto)

8. The Court is now closed to consider sentence. (See note on page 2 of R.F.-.3)
(Punishments, A.C.I.44, K.R.(Can)563 - 566; one sentence only awarded, R.P.48). Sentence should be dated)

The sentence is not announced to the accused by the Court.

J. S. Newbury.
(Signature of President)

SUMMARY OF EVIDENCE IN THE CASE
OF D9091 Bombardier THOMAS ELEY
5TH CDN MED REGT R.C.A. CANADIAN
ARMY (O/S)

- - - - - - - - - - - - - - - - -

Under the direction of the Commanding Officer, this evidence was taken under oath.

First Witness for
the Prosecution

M3732 Bdr. Martin L.A. of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery, having been duly sworn states as follows:

I am M3732 Bdr. Martin L.A. of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery. On the 19th day of June 1943 I was N.C.O. in charge of the 7th Medium Battery M.T. Guard. At 2359 hours, 19th June 1943, I checked the list of personnel on pass. D9091 Bdr. Eley's name was on the list as having a pass until 2359 hours. He had not turned in his pass at that time nor at any time during my tour of dutywhich ended at 1800 hours 20 Jun 43. This was reported in the Guard Commander's report.

M3732 Bdr. Martin L.A.
(M3732 Bdr. Martin L.A.)

The Accused declines to cross-examine this witness.

Second Witness for
the Prosecution

D9145 Sgt. Diamond I. of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery, having been duly sworn states as follows:

I am D9145 Sgt. Diamond I. of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery. As No. 1 of D sub-section, A Troop, I called the roll at 0800 hours 21 June 43 and D 9091 Bdr. Eley T. was absent. At 0800 hours 22 June 43 I called the roll and D9091 Bdr. Eley T. was again absent. He has not been on parade since that time.

D.9145 Sgt. Diamond I.
(D9145 Sgt. Diamond I.)

The Accused declines to cross-examine this witness.

Third Witness for
the Prosecution

D9061 B.S.M. Pipe R.A., of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery, having been duly sworn states as follows:

I am D9061 B.S.M. Pipe R.A. of A Troop, 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery. At 0830 hours on the 20th June 1943 I called the roll for D sub-section, A Troop. D9091 Bdr. Eley T. Was absent.

.....
(D9061 B.S.M. Pipe R.A.)

The Accused declines to cross-examine this witness.

Fourth Witness for
the Prosecution

G60650 L/Bdr. Stewart W.L. of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery, Having been duly sworn states as follows:

I am G60650 L/Bdr. Stewart W.L. of the 7th Medium Battery, 5 Canadian Medium Regiment, Royal Canadian Artillery, On the 23 June 43 during my tour of duty as Commander 7th Medium Battery M.T. Guard, D9091 Bdr. Eley T. reported as present to me at 2330 hours of that day. He was sober and properly dressed. I reported him present to the Battery Office.

G.60650 L/Bdr. Stewart W.L.
(G60650 L/Bdr. Stewart W.L.)

The Accused declines to cross-examine this witness.

In accordance with Rule of Procedure 4(E) the following question is put to the accused:

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

The Accused, being duly cautioned, declined to make any statement.

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

Taken before me in the presence and hearing of the Accused, in the Field, this 26th day of June 1943 at the direction of the Commanding Officer.

D.B Kilpatrick Lieut

(D.B.Kilpatrick, Lieut. R.C.A.)
7th Med Bty, 5 Cdn Med Regt R.C.A.

No. 39091 Name Eley T. | Sqn., Battery, or Company | Corps | Date of enlistment 14/9/39 | G.C. Badges | Service or Proficiency Pay "B"

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

A.M.F.M. 6 (A.F. B.122) 60/P & /3136 (2965)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	23/12/41	Gnr		(A.A.15-1)WOAS was AWL from 1400 hrs 23 De c 41 until 2200 hrs 31 De c 41.(Absent 8 days 8 hrs)	Bdr.Almond R Sgt.Adnum E Bdr.Pipe R.A.	10 days C.B. 3 days pay.	4 Jan 41	Lt-Col Johnston	Forfeits 9 days pay under PR&I 149-1-a.
Field	1/5/41	Gnr		(A.A.15-1)WOAS was AWL from Guard duty at 0900 hrs 1 May 41 and was absent until for 11 days 7 hours.	Sgt.Tindall L/Sgt.Brown	15 days F.P.			Forfeits 16 days pay under PR&I 149-1-a
Field	17/11/41	L/Bdr		(A.A.15-1)AWL (Absent 10 min) 2.(A.A.40) Was out of bounds. 3.(A.A.19) Drunk & Disorderly.	Cpl Randall Cpl Martin (Cdn Prov.Corps)	Reduced to permanent grade of gunner	17 Nov 41	Lt-Col AB Matthews	

Completed two years consecutive service. The above regimental entries carried forward.

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	5/7/42	Bdr		(A.A.19) Drunk & incapable.	Documentary	Severe Reprimand	8 Jul 42	Lt-Col A.E. Matthews	
Field	20/3/43	Bdr		(A.A.15-1) WOAS AWL from 2400 hrs 20 Mar 43 until 1300 hrs 21 Mar 43 (absent 13 hrs)	BSM Pipe Bdr Marshall	Reprimand	23/3/43	Lt/Col E.R. Suttie	Forfeits 1 days pay FR&I 149-1-a
Field	17 Jun 43	Bdr		A.A.Sec 40. W.O.A.S. Neglect to the order and prejudice, e tc. failed to report to his No. 1	Sgt.Diamond L/Bdr McOwen, A.	Severe Reprimand	18 Jun 43	Lt-Col E.R. Suttie	

"CERTIFIED TRUE COPY OF THE REGIMENTAL BOOKS IN MY POSSESSION"

Field/26 Jun 43.

J.H. Mackay, Capt. R.C.A.
Adjutant 5 Canadian Medium Regiment, R.C.A.

'A' 284.

M.F.B. 355
22M—5-41 (373-3)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D9091	Bombardier	Eley, T.	5 Cdn Med Regt. R.C.A.

1. The following is a fair and true summary of the entries in the Regimental and Squadron Part II Orders Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For Drunk and incapable	1 times	2 times
For A.W.L.	1 times	4 times
For Neglect to report to Nol	1 times	1 times
For	times	times

Number of instances of gallantry or distinguished conduct

1

There are no entries in the conduct sheets of the accused.

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

2. The accused has not been previously convicted

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

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 14 days in military custody, making a total of 14 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 23 years

6. The date of his attestation specified in his attestation paper 14 Sep 39

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

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

9. The accused is in possession of or entitled to the following decorations, etc.

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

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 8th day of July 1943

Adjutant, 8 Cdn. Medium Regt. RCA

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 proceedings.

RULE OF PROCEDURE 14-B

I wish to have an officer appointed to act as Defending Officer in my behalf.

T Eley Bdr
.....
(D9091 Bdr Eley, T.)

Field/26 May 43

H.Q.C. 55-E-357

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT

FIELD GENERAL COURT-MARTIAL

ELIAS, JAMES E-4685 PTE.

CONFIDENTIAL
H.Q.C. 55-E-357

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR (If purpose for which referred cannot be expressed on one line, enter here "With Minute")	INITIALS	DATE
							15-1-47

OVERSEAS COMBINED

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for one or three days than keep it out of General Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see it.

2. When a file is passed to another officer, a charge slip is placed therein to another branch. PASS THIS FILE IN ENVELOPE

3. [illegible]

RECORDED AT CMHQ IN AB 160

Certified True Copy

~~H. Rondeau~~ Capt.
(R. CORDEAU)

III-137

Correspondence to be PINNED here.

Army Form A.3.

C-141

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

PROCEEDINGS.

A.

On Active Service, this Twenty Second day of January , 1944.

Order convening the Court.

Whereas it appears to me, the undersigned, an officer in Command of 3 Cdn Inf Bde , 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~~ "T.T.G."

*Omit where Convening Officer is a Commanding Officer or is of Field Rank.

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

*Omit if not applicable.

* [~~I am unable to appoint~~:—

*(1. ~~Three Officers to form the Court.~~)

*(2. ~~A Field Officer as President~~ "T.T.G."

for the following reasons, namely :—]

PROCEEDINGS REVIEWED
F. C. Inch Lieut
29 Apr 44 Rev 3
REVIEWING OFFICER, JAG BRANCH C.M.H.Q.

NOTE.—The President must be named. The members and waiting members (if any) may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named. In the latter event, the ranks, names, &c., of the members of the Court, as constituted, will be recorded on the proceedings.

President.

Rank.	Name.	Regiment.
Major	J.P. Ensor	Carlt & York R.

Members.

Rank.	Name.	Regiment.
Capt	M. Trudeau	R 22e R.
Capt	E.M. Crouse	West N.S.R.
Lt.	A.E. Warnes	3 CIB Sp Cp(SLI)
Waiting		

*Must be signed personally by the Officer actually in command at the time, and all alterations in the composition of the Court to be initialled by him.

*Signed "T.G. Gibson" Brig
Commanding 3 Cdn Inf Bde
Convening Officer.

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*)
E.4685 Pte. Elias James R.22e R.	First Charge Sec 9 (2) A.A.	Guilty	Guilty "To undergo Imprisonment 2 years with hard labour" "J.P.E."	"Confirmed" "T.G. Gibson" Brig

*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 ? "
Answer (*to be recorded on separate sheet if necessary*) :—

(Signed) "T.G. Gibson" Brigadier (Signed) "J.P. Ensor" Major
Commanding 3 Cdn Inf Bde — Convening Officer (*e*) Carlt & York R — President.

(*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.

Evidence and Charge Sheets (if necessary) to be PINNED here.

B. Certificate of President as to proceedings.

I certify that the above Court assembled on the Twenty fourth day of January 44, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case 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
*(3. The Interpreter)
*(4. The officers under instruction)
were duly sworn.

*Omit if not applicable.

Signed this 24th day of January 1944.

"J.P. Ensor" Major
President of the Court Martial.

C. Certificate in case of death sentences.

I certify that the terms of *A.C.I. 570 of 1918 have been complied with.

*See footnote (*b*) on page 762 M.M.L. 1929.

Signed this day of 19 .

President of the Court Martial.

D. Confirmation.

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

*(I direct that the soldier named in the margin be not committed to prison or detention barrack until further orders.)

*To be omitted unless penal servitude, imprisonment or detention having been awarded, the Confirming Officer either has no authority to commit to prison or detention barrack, or, having such authority, recommends suspension.

Signed this 25 day of Jan 1944.

"T.G. Gibson" Brig
Confirming Officer.

Promulgated and extracts taken in the case of E.4685 Pte Elias, J. Royal 22e Regt

(*a*) (Dated) 27 Jan 1944 (Signed) "J.A. Girolami" Lieut, Royal 22e Re

Promulgated and extracts taken in the case of

(Dated) (Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

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

(23579) Wt.46179/850 50,000 2/43 A.& E.W.Ltd. Gp.675
(24256) W.L.11102/71 100,000 5/43 " "

CHARGE SHEET

"B2" "J.P. Ensor"
Major

The accused E. 4685 Private James ELIAS, a soldier of the Royal 22e Regiment, Canadian Army Overseas, on Active Service, is charged with:

1st Charge
A.A. Sec 9 (2) When on Active Service Disobeying a Lawful Command Given by His Superior Officer

in that he

In the Field, at about 1730 hours on the 20th December 1943, did not proceed to his company on the front line when ordered to do so by Capt J.B. Jalbert, Royal 22e Regiment.

"Jean Allard"

(J.V. Allard) Lt. Col.
Commanding Royal 22e Regiment

In the Field
6th January 1944

To be tried by Field General Court Martial

In the Field
22 Jan 44

"T.G. Gibson"

(T.G. Gibson) Brig
Comd 3 Cdn Inf Bde

J.P. Ensor, Major

MEDICAL OFFICER'S CERTIFICATE

I certify that I have this morning examined No. E.4685 Rank. Pte. Name. ELIAS, J. of Royal 22e Regt and in my opinion he is fit to undergo trial by Court Martial.

Station: In the Field
Date: 24 Jan 1944

"Richard L. Birks" Capt
(Medical Officer)

A

Army Form A 9.

**A9, printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

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

Proceedings of a Field General Court-Martial held at In the Field
on the 24th day of January 19 44 by order of
Brig. T.G. Gibson
Commanding 3 Cdn Inf Bde
dated the 22 day of January 19 44

President.

Major J.P. Ensor Carlt + York R.

Members.

Capt. M. Trudeau Royal 22e Regt
Capt. E.M. Crouse West N.S.R.

"J.P.E."
~~Judge Advocate~~.

Trial of* E.4685 Pte. ELIAS, James

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~~ N/A ~~is not available to serve owing to~~

"J.P.E."
~~, waiting member takes his place as a member of the Court~~.

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

The accused is brought before the Court.

Prosecutor,† Lieut. J.A. Girolami, R.22e R.

~~Counsel~~ or defending officer† Lieut. P.E. Labelle R.22e R.

At 0940 o'clock the Trial commences.

The order convening the Court is read, and is marked signed 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.

Question by the President to the accused.

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over? *Answer.* No

(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).
‡ Qualification to be stated.

30057. Wt.W4182/P1 10,000 wts. 12/41. K. & H., Ltd. G457/11. Forms A9/56.

B

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

The following officers under instruction are duly sworn.

NA

Charge-Sheet.

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

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

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

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

Guilty *Answer.*

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

NA *Answer.*

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

NA *Answer.*

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

NA *Answer.*

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

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

CC

Proceedings on Plea of Guilty.

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

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

The accused E.4685 Pte. ELIAS, James R 22e R is found guilty of the charge

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

Question to the accused. Do you wish to make any statement in mitigation of punishment ?

Answer. The accused in mitigation of punishment ~~says~~ :—

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

Instruction.

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

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

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

Question to the accused.

No

Answer.

Evidence as to character.

E

Finding.*

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

The Court is closed for the consideration of the finding.

The Court find that the accused ~~E.A.F.B. R 22e R~~.

NA

"JRE"

Proceedings on Conviction *before Sentence.*

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

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

Evidence of character, &c.

Lieut. J.A. Girolami, R 22e R is duly sworn.

Question by the President.

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

I produce A.F.B. 296 and M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked D 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.* "Yes"

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. "Yes"

Cross-examined by the accused. NA

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

Question to the accused.

Do you wish to address the Court? *Answer.* No

The Court is closed for the consideration of the sentence.

F

Sentence.

The Court sentence the accused E. 4685 Pte. ELIAS, James R. 2 Sentence to undergo imprisonment for a period of two years with hard labour.

"J.F.E."

Mitigation of Punishment - of X

E 4685 ELIAS, James, R. 22ó R.

Has been in the army since the 20th of Nov 1939 ----
He is a qualified dvr mechanic - and had never been employed as an infantry man ----
We have coy's being trained coming back of the lines how can you expect that man to be trained infantry man
That man has never had any charges prior to this one and I would ask the (~~leniency~~) of the court in his case.
(Clemency)

"P.E. Labelle, Lieut"
Defending Officer

X

J.P. Ensor, Major

"J.P. Ensor, Major" C

SUMMARY OF EVIDENCE

In the case of E.4635 Private James Elias, a soldier of the Royal 22e Regiment, Canadian Army Overseas, on Active Service.

By direction of the Commanding Officer this summary of evidence is taken under oath.

1st Witness: For the Prosecution. Captain J.B. Jalbert, Royal 22e Regiment, having been duly sworn states:-

" I am Captain J.B. Jalbert, R 22e R. On the 20th December 1943, I, Captain J.B. Jalbert, was O.C. "HQ" Company of the Royal 22e Regiment, and in charge of the "B" Echelon. At about 1730 hours on the 20th December 1943, I had a parade of soldiers A.W.L.. I explained them the situation that now they have had a night or two of good sleeping and a good rest they were to go back to their respective company. I told them that their absence will be judged by their company commander but I was now giving them a definite order go get in the truck and rejoin their company in the front line if they refuse now they were refusing to obey an order given by a superior officer according to Military Law. I then called each name and gave to each one the order to get in the truck, when I called the name of the accused Pte. Elias, J. whom I now recognize, the accused answered "I dont go" or words to that effect. After I had organise those who were going back, i.e. at least five minutes later, the accused still refused to go and did not go, he was then put under close arrest.

The accused declines to cross examine the witness.

"J.B. Jalbert, Capt" Capt.

2nd Witness: For the Prosecution. E. 4671 L/Cpl. Beaudet, E. Royal 22e Regiment, having been duly sworn states:

" I am E.4671 L/Cpl Beaudet, E. R.22e R. On the 20th December 1943, at about 1730 hours, I was present at a parade when Captain Jalbert, Officer Commanding of "B" Echelon, ordered Pte. Elias, the accused and whom I now recognize, to proceed to his company on the front line, Pte. Elias said that he refused to go to the front if he was to be sent to his own company. Capt. Jalbert told him that he did not have the choice at the time and that if he refused to go to his company his refusal would be considered as refusing to obey an order to proceed to the front line. Pte. Elias said that he refused to go up. After four or five minutes time taken by Captain Jalbert to prepare the ones going forward, the accused still refused to go, he was then turned to the guard room.

The accused declines to cross examine the witness.

E. Beaudet, L/Cpl.

In the case of E.4685 Private James ELIAS, a soldier of the Royal 22e Regiment, Canadian Army Overseas, On Active Service.

3rd Witness: For the Prosecution

E.4286 L/Cpl Mercier, P. Royal 22e Regiment, having been duly sworn states:-

" I am E. 4286 L/Cpl. Mercier, P. R.22eR. On the 20th December 1943, I was present when Pte. Elias was ordered by Captain Jalbert to proceed to his company in the front line. Private Elias said that he refused to go to the front line if he was to be sent to his own Coy. Captain Jalbert told him that he did not have the choice at the time, and that if he refused to go where ordered, Pte, Elias, would be placed on charge for refusing to obey an order to proceed to the front line. Pte. Elias said that he refused to go. After four or five minutes time taken by Captain J.B. Jalbert to prepare the ones going forward the accused still refused to go, he was then turned to the guard room.

The accused declines to cross examine the witness.

"Mercier P." L.Cpl.

The accused having been duly cautioned in French in accordance with R.O. 1424 reserves his defence.

I certify that foregoing summary of evidence consisting of two (2) pages was taken down by me in the presence and hearing of the accused and that rules of procedure 4 (c), (d), (e), (g) and (g) were duly complied with.

"Undecipherable, Lieut.

In the Field
6th January 1944

H.Q.C. 55-E-358 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT

FIELD GENERAL COURT-MARTIAL

ELL, PETER ANDREW L-154080

CONFIDENTIAL
H.Q.C. 55-E-358

CENTRAL REGISTRY	DATE	P.A. OR B.P.	INITIALS	REFERRED TO	FOR	INITIALS	DATE
				(If purpose for which referred cannot be expressed on one line enter here "With Minute")			15-1-47

OVERSEAS COMBINED

NOTICE

It must not be considered no longer than absolutely necessary. If a file is frequently needed at other locations, it is better to R.D. it for use as a direct reference from any one of General Registry simultaneously. This ensures it being completed and kept up to date, and also prevents unnecessary [illegible]

XX-103

FIELD GENERAL COURT-MARTIAL

CPA96 (In lieu of AFA31) 40/P & S/1696 (2864)

Convened by Order of Brigadier J.C. Stewart Comd "C" Gp - CRU dated 13 Dec 43

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) appnt, A/rank or A/appnt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

Number	(a) Prmnt R	(b) Appnt, A/R or A/Appnt	Full Christian Names	Surname	Unit
L-154080	Gnr	Proceedings Reviewed 29 Dec 43 H.H. Waugh Capt.	Peter Andrew	ELL	3 CARU

Reviewing Officer (A.G.) A.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) England on (date(s)) 16 Dec 43

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, waiting Member, ~~JA, if any~~, and Offrs under instr, if any, assemble, and the Court is closed.

(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 NOT include all relevant fnin ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instns on how to record addresses, evidence, etc, which instns are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is (~~are~~) amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) 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.(1) ~~The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO.(2)~~

(1. KR Can 557. 2. AA 46(8), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

Delete allusion to fn 2

~~A5. President to accused: Do you object to ..... as interpreter ? Ans .....~~

The Interpreter is sworn.(1) Do you object to Sgt Preston A.C. as shorthand writer ? Ans No

The shorthand writer is sworn.(1)

(1. RP 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.(2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(8). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	Lt-Col.	J.D. Russell.	HQ. CRU.
Member	Capt.	C.A. Jones	3 CARU
Member	Lieut	A.L. Ferguson	3 CARU
Judge-Advocate			
Prosecutor	Capt.	C.R. Munro	3 CARU.
Defending Offr	Lieut.	W.J. Lynn	3 CARU.

Questions by President: Is the Prosecutor a lawyer ? Ans No Is the Defending Offr a lawyer ? Ans No (2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (b) and fn 2 were not followed. See D1 p 3.)

A8. The accused ..... before arraignment make(s) (no) (a) plea.(1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RP cited. Insert in A8 rank and name of the accused making the plea.)

A9. The accused is (are) arraigned (~~separately~~) on all charges in the charge sheet.(1) The accused does (do) not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(3) The President records the pleas in Part I of the Schedule.

(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 61 ; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (~~adjourns~~) considers the Instrs on Procedure after Arraignment at top of p 8. The proceedings are continued on Record Form P

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

SCHEDULE.

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

Accused: L-154080 Gnr ELL, Peter Andrew

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA Sec 40	Not guilty	Not guilty	
2nd			
3rd			
4th			
5th			
6th			

16 Dec 43
H.D. Russell Lt. Col.
President

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in lieu of kit see RP 44 fn 6.)

At present under sentence for ..... beginning on (date) .....(1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of ..... days, of which ..... days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

(Sgd) ..... (Sgd) .....

Judge-Advocate, if any. Date awarded. President. (RP 45, 50.)

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

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

Date ..... (Sgd) ..... Commanding .....

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

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

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

I direct that the accused be not committed to prison or detention barracks until further orders.(1)

(1. AA 57A. Delete if not used.)

(Sgd) .....

Date ..... Commanding ..... Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Can 576, 577.)

Accused. Date. Signature of Offr.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

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 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.

II. If pleas to all charges are NOT GUILTY, use Record Form D on p [redacted] 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).

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 ; *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(s)(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(s), 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 plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), 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 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.(4)

President to accused : Do you wish to make a statement ? Ans.....(5)
(*1. RP* 37(*B*). *2. RP* 37(*D*) *fn* 6. *3. 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 Notes.*)

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 he (they) change(s) his (their) plea(s) on.....charge(s). Part I of the Schedule is amended accordingly.
(*1. Court may be closed to consider the statement. Delete whole or 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. RP* 35(*B*). *If any plea(s) is (are) changed, use Record Form C or D as appropriate.*)

B5. The Summary of Evidence is marked Ex....., initialled and read aloud by the President.(1)
(*1. If there is no Summary, or if it is inadequate, comply with RP* 37(*B*). *If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p* 3. *RP* 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.(1)
(*1. RP* 37(*A*) (*E*).)

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 Record Form B above.(1)
(*1. Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p* 3 *and making an appropriate record thereof on a separate sheet.*)

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 3~~

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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 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. No. (1)
(*1. If "yes", see RP* 39(*A*) *for procedure. Statement or evidence, if any, is recorded per Notes.*)

D2. The Prosecutor makes ~~(any note)~~ opening address.(1) Dft.
(*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. 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.(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).~~(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that 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 ~~the latter charge(s).~~(4)
(*1. Delete remainder of this para, if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP* 40 *fn* 1. *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 D8.*)
NB : If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on 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 yourself on oath 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 sworn, 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 neither.

President to accused : Do you wish to give evidence yourself as a witness, make a statement, or do neither ? Ans. Swn evidence on on matters. Do you intend to call witnesses on your behalf ? Ans. No. Are they witnesses as to character only ? Ans.....
(*1. RP* 155. *2. RP* 40(*A*), *see* 80(*D*). *3. RP* 40 *fn* 10. *4. RP* 40 *fns* 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(*1. RP* 114, 115, 116. *For procedure see Notes on back of Convening Order. CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP* 46(*A*) *fn* 1, 86(*C*). *Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP* 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.(2) The Court is re-opened.
(*1. RP* 43, 117(*A*). *See Notes in Part I 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.~~(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.(2)
(*1. AA* 54(3) (6), *RP* 45, 120(*A*). *2. AA* 54(3), *RP* 45, 117. *This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B 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 accused : Do you wish to give evidence yourself or to call any witnesses as to your character ?~~(1)
Ans.....
(*1. If evidence has already been given by accused or his witnesses as to his character, delete this para. RP* 37(*C*) *fn* 4, 46 *fn* 1. *Accused and witnesses are sworn. Evidence recorded per Notes.*)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(s)(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(l) (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 marked Ex..... and Ex..... respectively.(3)
(*1. MFB* 355 *or AFB* 296. *2. MFM* 6. *3. RP* 46, *KR Can* 558. *If above documents not produced, see RP* 46 *fn* 1 *para* 1.)

E3. President to accused : Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment ?(1) Ans.....(2)
(*1. RP* 37(*C*), 46(*D*). *2. Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP* 37(*F*) *fn* 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 proceedings in open court are accordingly terminated.(1)
(*1. AA* 54(6), *RP* 120(*A*).)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him and the JA, if any.(2)
(*1. When several accused tried separately see RP* 28(*D*). *One sentence only, comprised of the punishment or punishments laid down in AA* 41, 44 *and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP* 48. *As to sentences see AA* 44, 138, 182, *RP* 46-50, 69, 118, 119(*A*), *KR Can* 308, 330, 563-566, *Overseas RO* 309, 2323, *MML p* 60, 757-759. *As to sentences assigned for civil offences by the law of England see AA* 41(5), *MML p* 130. *When accused already under sentence of imprisonment or detention see AA* 44(18), 68(1), *KR Can* 564. *2. RP* 50. *As to release from arrest by Confirming Offr see KR Can* 567. *As to assembly and disposal of record after trial see instrs on back of Convening Order.*)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Elects. Trial by F.G.C.M

CHARGE SHEET

The accused, No. L 154080, Gunner Peter Andrew ELL, "C" Training Wing, No. 3 Canadian Artillery Reinforcement Unit, a soldier of the Canadian Army Overseas, is charged with:-

1st Charge
Section 40
Army Act

WHEN ON ACTIVE SERVICE

NEGLECT TO THE PREDJUDICE OF GOOD ORDER

AND MILITARY DISCIPLINE

in that he

in the Field, at approximately 0810 hours on the 20th day of November, 1943, did so negligently operate Canadian Military Vehicle No. CZ 4208754 as to cause it to strike a guy-wire on a Hydro Pole, thereby causing damage to said Canadian Military Vehicle No. CZ 4208754, said damage amounting to two pounds, ten shillings, ten pence (£2-10-10).

(B.R. Ker) Colonel,
Commanding,
No. 3 Cdn Arty Rft Unit.

In the Field
12 Dec. 43.

To be tried by Field General Court Martial

Brigadier
Commanding "C" Gp, Cdn Reinforcement Units
(Convening Officer)

Bordon, Hants.

13 Dec 43

FIELD GENERAL COURT-MARTIAL

CFA95 (In lieu of AFA3)
40/FGS/1697 (D962)

(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 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. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, RP 87(5).

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) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
L-154080	Gnr		Peter Andrew	ELL	3 CARU

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 (have) committed the offence(s) set forth in the Charge Sheet(s) attached and on (*date*) 13 Dec 43 endorsed by me, (or by an offr of my staff for me), "To be tried by Field General Court-Martial".

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; ([redacted])

(Delete part in brackets when not required for compliance with RP 105(C).)

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

4. [redacted]

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. [redacted]

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

(Rank.)	(Must be named. RP 106.)	(Unit.)
Lt-Col.	F.D. Tweedie	HQ CRU

MEMBERS.

(Rank.)	(Named or detailed. RP 106.)	(Unit.)
Captain		3 CARU
Lieutenant		3 CARU

WAITING MEMBER.

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

JUDGE-ADVOCATE.

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England (Country.)

Date 13 Dec 43

(Signed personally. RP 105 fn 2.)

Brigadier (Rank.)

Commanding "C" Gp - Cdn Reinforcement Units

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleaf for oaths and notes for use on trial.)

Medical Officer's Certificate
K.R. (Can) Para 557

I certify that I have this morning examined No. L 154080, Gunner Peter Andrew ELL, of "Q" Wing, No. 3 Cdn Arty Rft Unit, and in my opinion he is fit ~~unfit~~ to undergo trial by Court Martial.

Ontario Camp, Bramshott, Hants.

16 December, 1943

Sgd. H R MacRae Capt
(Medical Officer)

Opening address for the prosecution

In the case against L 1540 80 Gnr. Ell. P. A. the prosecution will produce evidence to prove that.

(i) The accused was ordered to bring vehicle "CZ 4208754 from the parking bay to the petrol pumps

(ii) The accused is a qualified driver Vc in England.

(iii) The accused did not properly clear his windshield before attempting to move the vehicle

(iv) The route chosen by the accused was off the camp roads, and was not the most direct route to the petrol pumps

(v) A less hazardous and more direct route existed.

(vi) The accused personally reported the accident to the transport sergeant

(vii) The guy wire which damaged the vehicle was clearly visible at a reasonable distance.

(over)

(viii) Cost of repairs to the vehicle, as the result amounts to £2-10-10. including cost of materials involved.

ON [redacted] S M A
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First Witness for the Prosecution: B 53865 A/Bdr. Dugueay, N.J. 2 C.A.A.D. sworn states:—

I know the accused. At 0800 hrs. 20 Nov 43 after they called the roll at the M.T. Sec., I told Gnr Ell to bring the veh around to the Petrol Company to be petrolled up. The nos. of the veh was C2 430875 I did not give any other instructions to Gnr Ell. The veh was not on his charge.

The driver of the veh had been on night duty and he had asked me to gas the veh up.

In the opinions of the Court, it is not necessary to comply with Rule 83 (a)

2nd Witness for the Prosecution: C-10450 A/Staff/Sgt. O'Callaghan, P.J. No 2 C.A.A.D. sworn states:—

At 0815 hrs, 20 Nov. Gnr Ell reported to me that he had an accident ~~and~~ at the M.T. Park. I went out to investigate to see what damage was done to the veh. The cab of the veh had been pushed back by a guy wire from a pole and I examined where the veh had moved from. From the tracks of the veh from where it was parked to the guy wire it was 27 feet. Then I reported the accident to Capt Sorby, when an accident report was made out and the veh was taken to No 120 L.A.D. to estimate damage and to repair the veh.

Gnr Ell is a qualified driver. He was qualified in February 43. The windshield was frosted at the time I inspected it.

The witness is shown a paper. This is a rough plan showing the M.T. Park and where Ell's veh was parked and is shown where the telephone pole and guy wire; and it is shown the pumps to which he was to proceed to to get the petrol.

(P.T.O.)

This is a plan I have just drawn (the plan ~~produced and~~ received in evidence as exhibit "A")

When I ~~saw~~ saw the car after the accident, it was at ~~plaint~~ point marked "B" on the plan.

When I saw the veh after the accident it was not on the road.

The road Gnr Ell attempted to take was not a normal road from the place from where the veh was parked to the petrol pump.

There's another road which is used by all Gnrs where that veh was just to get on the road then turn left.

When I came out after the accident I could see the guyline near where the veh was. For a distance of 50 feet it would be easy to see a guyline if you were not in a veh. when the windows are frosted.

Cross-examination

Nobody saw the accident happen when I first saw the veh after the accident it was immediately after Gnr Ell came and reported to me that he had had an accident.

By the Court

When I came out and saw the veh it was behind the bottom of the pole and the guyline, which was caught by the cab.

In the opinion of the Court, it is not necessary to comply with Rule 62(1)

Lad Witness | K. 57098, Gnr R.M.S. Kelly. W.M. 120 A.A. For the Prosecution R.C.O.C. attached 3 C.A.H.Q. | sworn state:-

And W.O.G.T. G.S. 02 W.O.9754 was brought

to the L.A.D. at 3 C.A.R.U. on the 23 Nov 43, for an estimate of damage. The cab was pushed back approximately seven inches. The right and left windshield to canopy support were both broken away. The cab bottom where it joins the floor boards of the cab were also torn away. The back panel of cab was very very badly bent.

The amount of damage to the veh. as estimated by me, including parts and labour is £ 2/10/10. Labour was charged at 3/- per hour, which is the charge laid down by C.M.H.S.

Case of the prosecution is close.

In the opinion of the Court, it is not necessary to comply with Rule 83(b)

First Witness for the defence. The accused sworn states:-

Before I got into my veh. I looked around. There was a truck behind me and I could not back up. There were trees in front so I thought I could drive out to the road and turn left. I saw a telephone pole, but I did not see a guywire.

I took the side curtain off the right side of the veh. I scraped the windshield with my hand before I started moving. It clouded up again.

I was looking down the ~~right~~ road through the side window when I started up. When I started up the veh. I didn't turn directly to the left because the left-hand side curtain was up and it was pretty well frosted up so

(P.T.O.)

so I thought I'd turn to my right so that I could see anything coming my way.

The last time I was on that road, it was in June, was a one way road and I thought that order was still on.

At about 0805 hrs, Bdr Duguay ordered me to bring veh C2 430875 X around and gas it up. So I went out to the veh, I took the right side curtain off and scraped the windshield; then I started the motor and was going to drive around to the petrol pumps so I turned left and was going to swing right. I went about 20 feet, I hit a guywire, I stopped, got out and looked around, I backed up, looked around and backed the veh away from the guywire

I then reported it to the Bdr. and he told me to report it to the S/Sgt.

It would be about 15 to 20 minutes from the time of the accident until S/Sgt O'Callaghan came out to see the veh. At that time it would be lighter than when the accident occured.

Before I moved the veh, the whole windshield was not completely clear.

The truck I mentioned as being at my rear was about 15 feet.

Witness is shown Exhibit "A". The road behind the veh was clear.

I was going to the left of the hydro pole, swing to the right onto the mud road, and came back to the MT section again and through the garage and motorcycle shed on to the main road and up to the gas pumps.

LCF

There are trees lining each side of the mud road. When I moved the veh, it was just getting daylight and was quite frosty.

I was looking through the windshield and not the side door on my right side.

It was not possible for me to see an object in front on the left side of the veh.

The order about the one way road was a written order. It was posted in the M.T. Hut.

In the opinion of the Court, it is not necessary to comply with Rule 83(b).

Summing up by Prosecutor. That I am summing up. ~~That~~ the ownership of the veh in question is irrelevant in view of an order from a senior officer to drive the veh.

Secondly:- That it is common knowledge that the training of a driver teaches him to clear his windshield before moving off and Gnr Gill is a qualified driver.

Thirdly: That visibility is described by the accused at that hour in the morning did not warrant a journey through the woods; That clear roads were available. That,

Fourthly: The fact that the accused could not see an object in front of the near side of the veh shows neglect of his duties as a driver.

(P.T.O.)

Summing up by

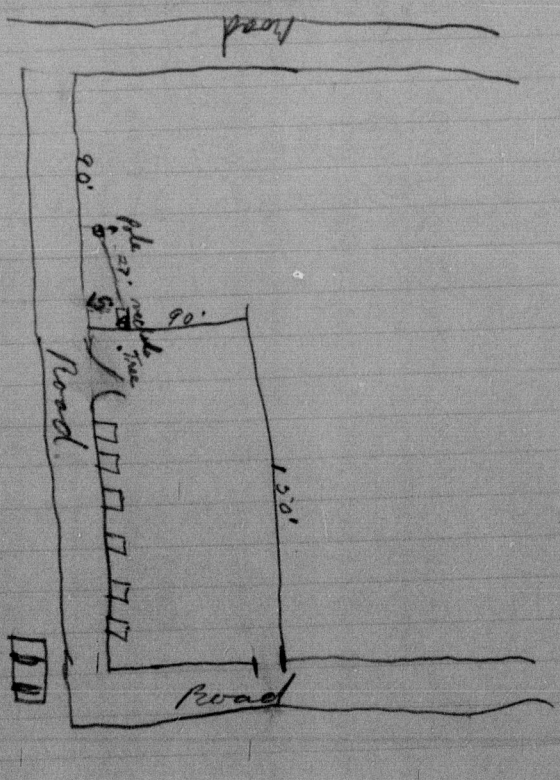
- Defending Officer -

The accused, Gnr Ell. has a clear crime sheet since enlistment on the 9th July 42. Gnr Ell showed caution before starting up by scraping the windscreen and removing the right-hand side curtain. It is very much lighter at 0820 hrs. than at 0800 hrs in the month of December and it is possible that at 0800 hrs, the guy wire would not be visible.

The accused has made an error in judgment rather than wilful neglect.

16 Dec 42.

LCP



Ex A

Elects Trial by F.G.C.M.

FORM OF APPLICATION FOR A COURT-MARTIAL

No. 3 C.A.R.U. Regiment

Station Ontario Camp, Bramshott, Hants Date 12 December 1943

Application for a Field General **Court-Martial**

SIR,

I have the honour to submit One charge against

No. L 154080, Gunner Peter Andrew ELL

of the unit under my command, and request you will obtain the sanction of Comd "C" Group that a Field General Court-Martial may be assembled for his trial at such place as may be designated

The case was investigated by (a) Colonel B.R. Ker, RCA, Commanding, No. 3 Canadian Artillery Reinforcement Unit, and the Summary of Evidence was taken by Capt. C.D. Munro, RCA, "A" Training Wing, No. 3 C.A.R.U.

~~(a) Court of Inquiry was held on~~

~~Members~~

~~President~~

~~Members~~

The accused is now at this unit His general character is (c) very good.

I enclose the following documents (d):—

1. One Charge Sheet (in duplicate) (e).

2. Summary of Evidence, original (f) and One copy.

~~3. Plan of [illegible].~~

4. List of witnesses for the prosecution and defence (with their present stations or addresses) (g).

~~5. [illegible].~~

7. Statement as to character (M.F.B. 355) and regimental and company, etc., conduct sheets (or Field Conduct sheets) of accused (g).

8. Statement by accused as to whether or not he desires to have an officer assigned by the Convening Officer to represent him at the trial (R.P. 14 (B)) (h).

Your obedient servant,

Signature of Commanding Officer

(B.R. Ker) Colonel,
Commanding,
No. 3 Cdn Arty Rft Unit.

To: Commander,
"C" Group,
Canadian Reinforcement Units.

MEDICAL OFFICER'S CERTIFICATE

I certify that No. L 154080, Gunner Peter Andrew ELL No. 3 CARU Regiment is* fit to undergo trial by Court-Martial.

J.R. MacRae Capt RCAMC

Signature of the Medical Officer

* Insert "fit" or "unfit."

(a) Here insert name of:—
(i) Officer who investigated the charges.
(ii) Company, etc., Commander who made preliminary enquiry into the case.
(iii) Officer who took down the Summary of Evidence (R.P. 19 (B) (iii)).

(b) To be filled in if there has been a Court of Enquiry respecting any matters connected with the charges; otherwise to be struck out (R.P. 19 (B) (iii)).

(c) To be filled in by the Commanding Officer.

(d) Any items not applicable to be struck out.

(e) One copy to be sent to the President; one copy to be filed with the application for trial.

(f) Original summary of evidence to be sent to the President.

(g) 3, 4, 6 and 7 to be returned to the Officer Commanding the unit of the accused with the notice of trial.

(h) 5 and 8 to be sent to the President.

(If the accused has elected to be tried under A.A. (8), the fact should be recorded at the top of this form.)

M.F.B. 321
(A.F.B. 116)
25M—8-41 (563)
H.Q. 1772-20-421

Prosecuting Officer - Capt. C.D. Munro, RCA, No. 3 C.A.R.U.
Defending Officer - Lieut. D.J. Lynn, RCA, No. 3 C.A.R.U.

Elects Trial by F.G.C.M.

CHARGE SHEET

The accused, No. L 154080, Gunner Peter Andrew ELL, "Q" Training Wing, No. 3 Canadian Artillery Reinforcement Unit, a soldier of the Canadian Army Overseas, is charged with:-

1st Charge
Section 40
Army Act

WHEN ON ACTIVE SERVICE

NEGLECT TO THE PREDJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

in the Field, at approximately 0810 hours on the 20th day of November, 1943, did so negligently operate Canadian Military Vehicle No. CZ 4208754 as to cause it to strike a guy-wire on a Hydro Pole, thereby causing damage to said Canadian Military Vehicle No. CZ 4208754, said damage amounting to two pounds, ten shillings, ten pence (£2-10-10).

(B.R. Ker) Colonel,
Commanding,
No. 3 Cdn Arty Rft Unit.

In the Field
12 Dec. 43.

To be tried by Field General Court Martial

Brigadier
Commanding "C" Gp, Cdn Reinforcement Units
(Convening Officer)

Bordon, Hants.

13 Dec 43

12 Dec. 43

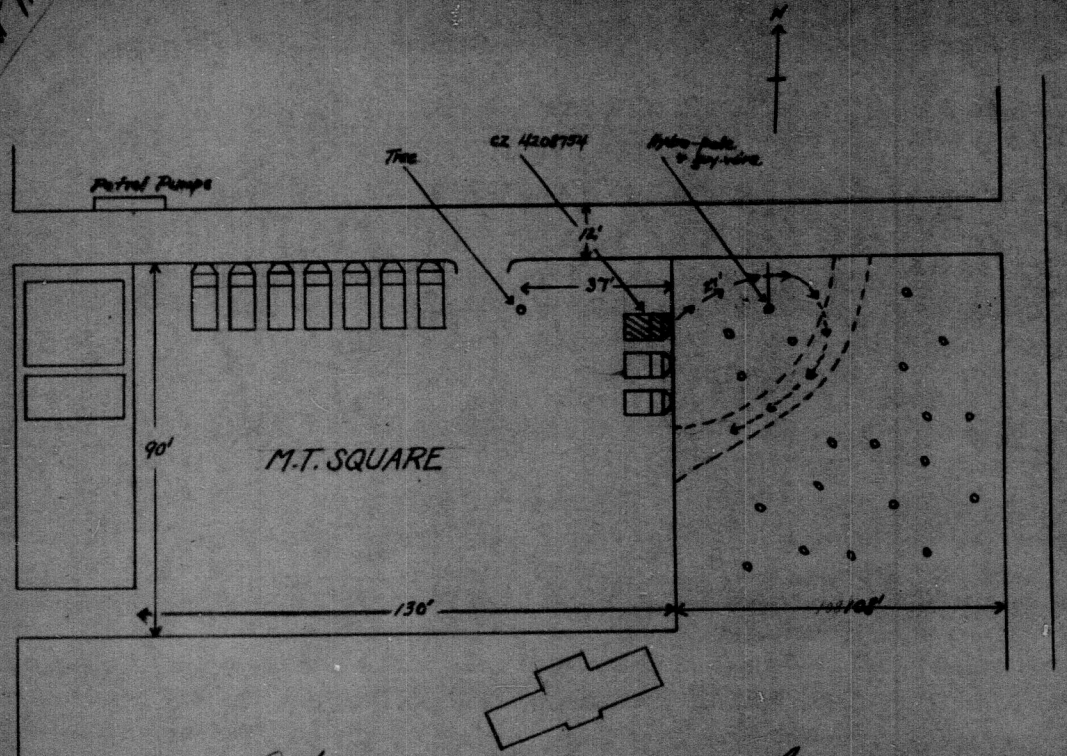
I, No. L 154080, Gunner Peter Andrew ELL, certify that I have this date received one copy of the Summary of Evidence and one copy of the Charge Sheet in respect to my forthcoming trial by Field General Court Martial.

Sgd. P. A. Ell

L 154080, Gnr. Ell, P.A.

Exhibit "A".

SCENE OF ACCIDENT - 20 NOV 43



Officer detailed to take the Summary of Evidence.

Examined 8 Dec. 43. and found to be correct.

A/Sgt O'Callaghan M F

PART V—FOR COMPLETION BY COMMANDING OFFICER.

(i) RESPONSIBILITY: (Opinion must be clear cut and definite with reasons. "THE HIGHWAY CODE" will be found helpful. Fatal or other serious accidents must be reported immediately to the Formation Claims Officer).

I consider that Gnr. Ell was careless in not taking proper precautions to see the way was clear. He states that his windshield was frosty, whereas it was his duty to have it clear before moving. He had no right to keep off the road in spite of the mud. I recommend Gnr. Ell pay for the damage done, namely £ 2.10.10

(ii) Length of experience of driver in Canada 4 years In England 9 months

(iii) Disciplinary action taken and stoppages (if any) awarded or recommended Released from arrest subject to rearrest. In view of the clean conduct sheet I recommend 7 days C.B.

(iv) Number of previous accidents recorded Nil

(v) Remarks (will Court of Inquiry be held, etc.?)

Date 25 Nov 43 (Signature) B.R. Ker
Command and Unit Colonel, No 3 CARU

PART VI—DECISION OR RECOMMENDATION OF BDE. COMD., CRA, OR OTHER APPROPRIATE AUTHORITY.

I consider L-154080 Gnr Ell, P.A. was negligent and to blame for the accident. I direct that he be given the opportunity to pay voluntarily by CDV procedure the amount of £2.10.10 towards the cost of repairs to WD vehicle CZ.4208754. If he is unwilling to do so, I direct that a Charge be laid against him under AA 40, and if he elects Summary Trial and is convicted, I recommend that the punishment awarded include a pay stoppage for £2.10.10

(J.C. Stewart) Brigadier
Commanding "C" Group
Date 26 Nov 43 COMD Cdn Reinforcement Units.

PART VII—DECISION OR RECOMMENDATION OF CORPS OR DIV. COMD. OR OTHER APPROPRIATE AUTHORITY.

Date G.O.C.

Certified True Copy

"FORM C.M.H.Q. 1000: 42A PASSED TO CLAIMS OFFICER

At H.Q. CRU On 20 Nov 43"

C.M.H.Q. 1000:42
A.F.A.3676 (Cdn. Revision)
40/P&S/337 (2551)

ROAD ACCIDENT REPORT

PART I—DRIVER TO FILL IN IMMEDIATELY AT SCENE OF ACCIDENT

Do not admit liability. Give your name and unit to other party and refer him to Canadian Claims Commission, 2 Cockspur St., Trafalgar Square, London.

Date of Accident 20 Nov 43 Time 0810 Hrs.
Place of Accident M.T. Parking Lot, Ontario Camp, No 3 C.A.R.U.
No., Rank and Name of Driver L 154080 Gnr. Ell, P.A.
Unit No 3 C.A.R.U. Formation "C" Group CRU
Vehicle, W.D. number CZ.4208754 Make Ford Type 15 cwt
Exact nature of duty Vehicle to petrol pump
Journey from N/A to
Work Ticket No. N/A Authorized by N/A
Loaded or unloaded Unloaded Speed of Cdn. Vehicle 5 mph
Condition of Road Surface N/A Speed of other vehicle N/A
Visibility, (Clear, Foggy, raining, etc.) Foggy Density of Traffic Nil
Warning given, if any, and how N/A
LIGHTS. Left front N/A State whether full or dim N/A
Right front N/A
Rear N/A
Was reflector displayed? N/A
Was the accident reported to the Police? No Where? N/A

WITNESSES NAMES ADDRESSES (Obtain signed statements and attach)

C 10450 A/S/SGT O'Callaghan G.F. No. 3 C.A.R.U. C.A. ENGLAND

OTHER VEHICLE(S) PERSONS & PROPERTY INVOLVED: (BE CERTAIN TO OBTAIN NAMES OF DRIVER AND OWNER).

Registration No. N/A Make Type
Name of Insurance Company N/A
State whether collision coverage with or without excess N/A
Name of Driver N/A Address
Name of Owner N/A
Nature of damage claimed, if any N/A

Persons injured or complaining of injuries Nil Names Addresses

Damage to other property Nil

Owner N/A Address N/A

DRIVER WILL ALSO COMPLETE STATEMENT AND DIAGRAM OVER PAGE "B"

DRIVER'S STATEMENT

BE SURE ALL PREVIOUS QUESTIONS HAVE BEEN ANSWERED

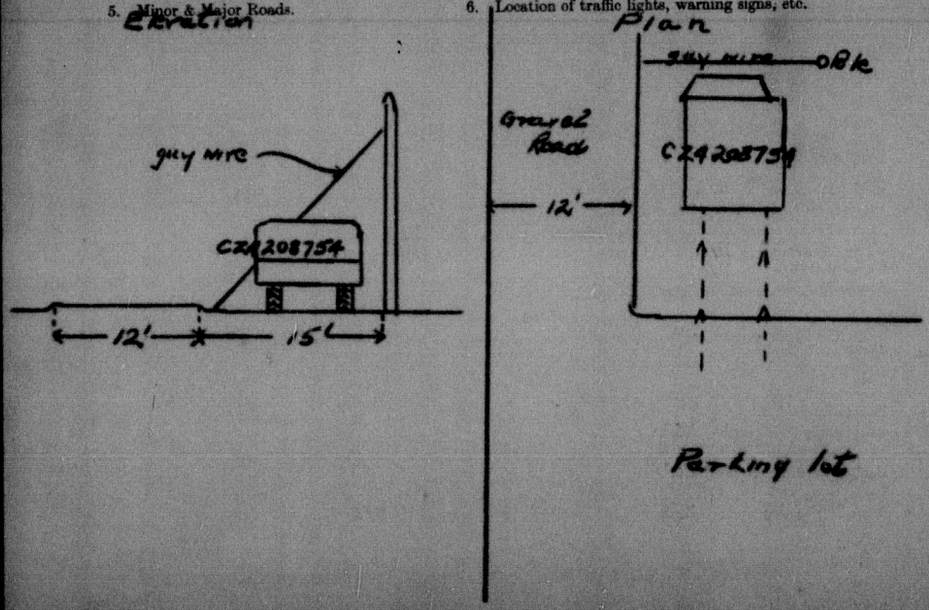
State here fully what actually occurred

I was ordered to bring the truck around to be gassed up. Was moving about 2 mph and drove on the grass to avoid driving in the mud at edge of road and struck stay wire from light pole. Catching the left front part of cab and breaking off both corners. Also shoving back cab.

Sgt Ell R.A.
(P. A. ELL)

SPACE FOR DIAGRAM

Show—1. Position of vehicles before and after accident.
2. Direction of Travel.
3. Skidmarks.
4. Width of Roads.
5. Minor & Major Roads.
6. Location of traffic lights, warning signs, etc.



DAMAGE AND INJURY REPORT NOTES

PART II—DAMAGE TO CANADIAN ARMY VEHICLE

Vehicle No. CZ 4208754 Make Ford Type 15 cwt.
Particulars of damage. Straighten cab.
C012 8111780 Bracket windshield frame cowl support R.W. -1 0. 1. 9½ pmp
C012 8111790 Bracket W/S Frame cowl support L.W. -1 0. 1. 9½

Estimated cost of repairs :	Labour (No. of hours)	Materials	TOTAL £
Any special remarks.	Labour 15½ hrs. @ 3/ per.	£2. 7. 3	
	Cost of material	0. 3. 7.	
	Total Cost:	£2.10.10	D.M.P.

Date 23 Nov 42 (Signature) D.W.Pelley
(Workshop, Unit or Det.) W.O. i/c
Lt. R.A.O.C.

(i) The foregoing part must be *fully* completed and signed by an O.M.E., L.A.D., Wkrp Officer or Officer as designated in Overseas R.O. 2291.
(ii) The signing Officer's appointment and unit *must* be shown in every case.
(iii) Labour costs will normally be based on the rate of three (3) shillings per hour.
(iv) In every case the total costs must be shown.

PART III—DAMAGE TO OTHER CANADIAN MILITARY VEHICLE

Vehicle No. N/A Make Type
Particulars of Damage. (To be checked by competent officer immediately following accident.)

N/A

Estimated cost of repairs on the basis of ordinary commercial charges.
(Number of hours required to complete repairs).
Labour Materials TOTAL £

Any special remarks.

Date (Signature)
(Workshop, Unit or Det.)

PART IV—INJURY TO PERSONS. NIL

(NOTE:-The reporting Medical Officer should state whether or not he has actually examined the injured person, or persons. If he has not, the source of his information should be given.)

Name Age Occupation
Address
If under age 21, Name of Parent
Address

Particulars of injury ; history of the case since the accident and present condition :

Period of actual or anticipated absence from work
Whether permanent disability is likely to result and, if so, to what extent

Any special remarks

Hospital, if any
Date Signature of M.O.

At 0815 hours on the 20 Nov 43 Gnr. Hil, P.A. came to me to report that he had an accident in the MT Park. I went out to see what damage he had done to the vehicle. He had been driving the vehicle to get petrol and in trying to turn around he went off the road and ran into a Guy-wire on a hydro pole. The tire marks were still plain showing the route that he had taken.

A/S/Sgt O'Callaghan C.F.

S/Sgt O'Callaghan, C.F.

12 Dec. 1943

Commanding Officer,
"Q" Training Wing,
No. 3 C.A.R.U.

Sir:

I desire to have an officer assigned by the Convening Officer to defend me at my forthcoming trial by Field General Court Martial.

Gnr P A Ell

L 154080, Gnr. Ell, P.A.

LIST OF WITNESSES

in the case of No. L 154080, Gnr. Ell, P.A.

FOR THE PROSECUTION: B 53865, A/Bdr. Dumuay, N.J., RCA, No. 3 C.A.R.U.

C 10450, A/Staff Sgt. O'Callaghan, G.F., RCA, No. 3 C.A.R.U.

K 57098, Armt. QMS Pelley, D.M., R.C.O.C., No. 120 L.A.D.

FOR THE DEFENCE:

SUMMARY OF EVIDENCE
in the case of
L-154080 GNR. ELL, P.A.

ON strength of #3 Canadian Artillery Reinforcement Unit, a soldier of the Canadian Army Overseas

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

1st witness for the prosecution.

B-53865 A/Bdr. DUGUAY, N.J., on strength of #3 C.A.R.U., a soldier in the Canadian Army, Overseas, having been duly sworn, states as follows,-

I, B-53865 A/Bdr. Duguay, N.J., am NCO i/c petrol pumps and storeroom, at M.T. section, Ontario Camp, #3 C.A.R.U. At approx. 0805 hrs., 20 Nov. '43, I ordered Gnr. Ell to bring vehicle no. CZ 4208754 from the parking lot, to the petrol pumps. Gnr. Ell, proceeded towards the vehicle, and I did not see him again, until after the vehicle had been damaged.

Q1. Is it permissible for drivers to enter the petrol pumps from any direction?

A1. There are no laid down orders on this point, but my instructions to drivers are that they will enter the pumps from the East, in order to have the near side,-or running,-tank close to the pumps.

B-53865 A/Bdr Duguay, N.J.

Accused declines to cross-examine this witness.

Officer detailed to take the Summary of Evidence.

2nd witness for the prosecution

C-10450 A/Staff Sgt. O'CALLAGHAN, G.F., on strength of #3 C.A.R.U., a soldier of the Canadian Army, Overseas, having been duly sworn, states as follows,-

I, C-10450 A/Staff Sgt. O'Callaghan, G.F., am NCO i/c Transport at M.T. section, Ontario Camp, #3 C.A.R.U. At approx. 0815 hrs., on 20 Nov. '43, Gnr. Ell came to me at the Transport Office, to report that he had had an accident in the M.T. park. I went out to see what damage he had done to the vehicle. I found that the vehicle had hit a guy-wire supporting a hydro-pole, approx. twenty-seven (27) feet N.E. of where the vehicle had been parked, on the East edge of the M.T. square. Tire marks were showing in the soft ground, from the present position of the vehicle, back to where it had been parked. I immediately reported the accident to Capt. Berry the Transport Officer, when an accident report was made out; and the vehicle was taken to L.A.D. for estimate of damage, and to be repaired.

Q1. Was the route which Gnr. Ell attempted to take, the most direct route from the parking spot, to the petrol pumps?

A1. No, sir, it was not. The most direct, and easiest route, would have been to turn to the left, directly on to the gravel road, and proceed West to the petrol pumps.

Q2. Did Gnr. Ell explain to you, his reasons for choosing the route which he tried to follow?

A. Only that he considered his proposed route the best one to take.

S

2nd witness for the prosecution C-10450 A/Staff Sgt. O'Callaghan,G.F.(cont'd. from pp.1)

Q3. Can you give me a detailed description of the M.T.park,and roads in question,showing original position of vehicle CZ4208754 position of hydro-pole and guy-wire,and position of petrol pumps?

A3. I submit,herewith,detailed plan of M.T.park,and roads in question,showing original position of vehicle CZ 4208754,and route taken by Gnr. Ell,as shown by tire marks in ground. Estimates of distances,and road widths,are approx. correct.

A/S/Sgt. O'Callaghan G.F.
C-10450 A/S/Sgt.O'Callaghan,G.F.

This plan is marked exhibit "A",and attached to proceedings. Certified true copy of Road Accident Report is marked exhibit "B" and attached to proceedings.

Accused declines to cross-examine this witness.

Officer detailed to take the Summary of Evidence.

3rd witness for the prosecution.

K-57098 Armt.Q.M.S.Pelley,D.M.,on strength of #120 L.A.D.,R.C.O.C.,attached to #3 C.A.R.U.,a soldier of the Canadian Army,Overseas,having been duly sworn,states as follows,-

I,K-57098 Armt. Q.M.S. Pelley,D.M.,am W.O. i/c #120 L.A.D., R.C.O.C.,attached to #30.A.R.U. On the 23rd Nov. '43,vehicle #CZ 4208754 ,a Ford 15cwt.,GS truck,was brought into L.A.D. for estimates of damages,and to be repaired. On checking over the vehicle,I found that the following parts were required;which,in my opinion,were broken in the accident.

C01Q 8111780 Bracket,windshield frame,cowl support,right hand,
C01Q 8111790 Bracket,windshield frame,cowl support,left hand,

The cost,per bracket,was £0-1-9½. I also found the cab pushed back about seven(7)inches,and the back panel badly bent. The cab proper,was broken away from the floor of the cab. I estimated that the labour involved would be fifteen and three-quarter(15¾)hours,at 3/- per hour,amounting to a total cost for labour,of £2-7-3. Total cost of repairs would be £2-10-10.

Cross-examined by the accused.

Q1. I understand that when the estimate of damages to this vehicle was first made,the cost of repairs to a broken windshield was also included. When this charge,for the new windshiled,was deducted from the cost,the labour was reduced by only one-quarter(¼)of an hour. Can you tell me why?

A1. In my opinion,one-quarter(¼)of an hour was ample time to change the glass in the windshield.

Q2. How do you arrive at the estimate of labour?

A2. All repair jobs have an approximate time limit;and this,to a large degree,is based on the efficiency of the personnel,and the equipment used by the personnel. Also the shortcuts laid down by C.M.H.Q. technical bulletins,and the manufacturer's instructions.

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 elects to give evidence on oath.

The accused, L-154080 Gnr. Ell, P.A., on strength of #3 C.A.R.U., a soldier in the Canadian Army, Overseas, having been duly sworn, states as follows,-

I, L-154080 Gnr. Ell, P.A., am the accused in the case of damage to vehicle #CZ 4208754. On the evening of 18 Nov. '43, four other drivers, and I, returned from a scheme in South Wales. I discovered that, while I had been away, I was posted from "D" Bty. to "C" Bty. I reported to "C" Bty. Orderly Room, at 1145 hrs., and again at 1330 hrs., on 19 Nov. '43. At 1600 hrs., the same day, we were ordered to return to Ontario Camp, to pick up our equipment, and to report back to "C" Bty. I returned to M.T. section, Ontario Camp, and told Sgt. Cook that I was in "C" Bty., and desired to have my vehicle #CZ 4208752, taken off my charge. He informed me that I was not to report back to "C" Bty., and that I would be back on strength of the M.T. section. I remained at Ontario Camp.

The following morning, while I was parading with the M.T. section Bdr. Duguay ordered me to bring vehicle #CZ 4208754, over to the petrol pumps. I entered the vehicle, and found that the windshield was frosted up. I ~~xxxxx~~ scraped the windshield, but it didn't help much. I started the engine, intending to pull out to the left, swing around to the left of the hydro-pole, then turn to the right, on to the mud-road leading back to the M.T. park. The guy-wire was frosty, and I couldn't see it. I didn't notice it until the windshield frame broke off. I was moving at approximately two miles per hour, at the time; and I think that if the frost hadn't been so severe, that morning, the accident wouldn't have happened. I reported the accident to S/Sgt. O'Callaghan; and, after inspecting the damage, he told me to make out an accident report.

The route suggested by S/Sgt. O'Callaghan, just now, did not seem to be the best route, as there were other vehicles parked on the North edge of the M.T. square. I was afraid to back up, for fear of hitting one of the other vehicles on the square, or the tree to my left rear

L. Ell P.A.
L-154080 Gnr. Ell, P.A.

Officer detailed to take the Summary of Evidence.

I certify that the foregoing Summary of Evidence, consisting of three 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.

Officer detailed to take the Summary of Evidence.

Bramshot, Hants.
6 Dec. '43.

H.Q.C. 55-E-359

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

EDWARDS, WM. GORDON SB.105473 TPR.

CONFIDENTIAL
H.Q.C. 55-E-359

CENTRAL REGISTRY	DATE	P.A. OR D.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter "With Minute")		
					JAG NEW FILE CR 22-1-48		
FEB 2 1948 FEB - 4 1948	37448	PF		DAJAG	Pers Rec Brch - Pay Sec		28/1/48

NOTICE

1. Files should be retained on hooks when absolutely necessary. If a file is frequently needed at short intervals, it is known as a [illegible] on three days when keep it out of Central Registry indefinitely. This reduces to [illegible] [illegible] [illegible]

CENTRAL

H.Q. C.55-E-389
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SB.105473 Name EDWARDS, William Gordon

Rank Tpr Unit 1st Armoured Regiment (RCD)

Charge AA 12(1)(a) - DESERTING HIS MAJESTY'S SERVICE

AA 24(2) - LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES

Date of Crime 18 August 47

Date of Arrest 17 December 47 Charge Signed 3 January 48

Orders for D.C.M. 6 January 48

Place and Date of Trial 9 January 48, No.12 Military Detention Barracks, Camp Borden

Sentence To undergo detention for 60 days and to be put under stoppages of pay in the sum of $15.71.

Date of Confirmation 15 January 48

Date of Promulgation 19 January 48

Entered in Records of J.A.G. as No. 46099

Date 26 January 48

MEMO

JAN 28 [illegible]

WMWS

for Judge Advocate-General

H.Q.C. 55-E-359 (JAG/O)

OFFICE OF THE JUDGE ADVOCATE GENERAL

January 28th, 1948.

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

DISTRICT COURT MARTIAL
SB.105473 Tpr. EDWARDS, W.G.

1. Receipt is acknowledged of the proceedings of the marginally noted District Court Martial which were forwarded under cover of your CC/SB 105473 (J) dated 21st January 1948.

2. The proceedings have been registered in our records on 26th January 1948 as No. 46099 and have been retained for custody.

WMWS/MRP.

(R. J. Orde) Brigadier,
Judge Advocate General.

Noted & Recorded
W.D. Armstrong Cap
2nd Asst
2 Feb 48

CENTRAL

H.Q. C.55-E-359
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SB.105473 Name EDWARDS, William Gordon

Rank Tpr Unit 1st Armoured Regiment (RCD)

Charge AA 12(1)(a) - DESERTING HIS MAJESTY'S SERVICE

AA 24(2) - LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES

Date of Crime 18 August 47

Date of Arrest 17 December 47 Charge Signed 3 January 48

Orders for D.C.M. 6 January 48

Place and Date of Trial 9 January 48, No.12 Military Detention Barracks, Camp Borden

Sentence To undergo detention for 60 days and to be put under stoppages of pay in the sum of $13.71.

Date of Confirmation 15 January 48

Date of Promulgation 19 January 48

Entered in Records of J.A.G. as No. 46099

Date 26 January 48

MEMO.

for Judge Advocate-General

CC/SB 105473 (J)

HEADQUARTERS CENTRAL COMMAND

.... REGISTERED

Ortona Barracks,
OAKVILLE, Ont.

21 Jan 48

Office of the Judge Advocate General,
Dept. of National Defence,
OTTAWA, Ont.

Returned
1515 JAN 22 1948
D.G.S.-L.-35

DISTRICT COURT-MARTIAL
SB.105473 Tpr. EDWARDS, W.G.
RCAC, 1st Armd Regt (RCD)

Enclosed herewith find proceedings of the marginally-noted District Court-Martial, for registration and custody.

for (C. Vokes) Major-General
G.O.C., Central Command

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

A

**Form of Proceedings for ~~Garrison~~ District Courts-Martial

Proceedings of a District Court-Martial held at No 12 Military Detention Barracks, Camp Borden, Ontario, on the 9th day of January, 1948, by order of Lieutenant-Colonel N.S. Cuthbert, Acting/ ~~Garrison~~ Officer in charge /of Administration, Central Command dated the 6th day of January, 1948.

President.

ZD-1198 Major J.W.B. Johnston, E.D.,
The Royal Canadian Armoured Corps School

Members.

ZP-1698 Captain S. Rowton,
The Royal Canadian Army Service Corps School

ZC-2720 Captain G.R. Seymour, R.C.O.C.,
23 Composite Brigade Group Workshop, R.C.E.M.E.

ZB-1052 Major J.C.A. Campbell, E.D.,
Office of the Judge Advocate-General,
Attached Headquarters, Central Command, Judge Advocate.

Trial of* SB 105473 Trooper William Gordon EDWARDS, Royal Canadian Armoured Corps, 1st Armoured Regiment (Royal Canadian Dragoons)

The order convening the Court, the charge-sheet and the summary ~~Plea~~ of evidence are laid before the Court.

~~The Court is satisfied that the accused is suitable to~~ ~~plead to the charge~~ Plea

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

The accused is brought before the Court.

Prosecutor† ZD-802 Capt. R. Haran, 1 Armd Regt (RCD)

~~Counsel~~ defending officer† ZD-1860 Lt.P.C.M. Meunier, 1 Armd Regt (RCD)

At 1530 hours the Trial commences.

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

DO detailing Pros. & Def.Offr is marked "X-1" and attached.

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.

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

Answer by accused. A-1 No, sir.

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

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

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

‡ Qualification to be stated.

(Strike out and initial when not applicable.)

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

(1) J.W.B. Johnston, Major
President, R.C.A.C.

Extracts entered as No. 4608 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 26th day of January 1948

Mil. Form B. 271
50M-3-43 (9036)
H.Q. 1772-39-224

(1)

2

B

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

The following officers [and] instruction, having been duly detailed, are duly sworn.

Q-2 **Do you object to SB-83584,S/Sgt. McGuigan,F.J.,Office of the Judge Advocate-General,att HQ Central Command, as shorthand writer? A-; No,sir. (S/Sgt. McGuigan is duly sworn as shorthand writer.)**

Charge-Sheet

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

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

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

Q-3 Is that your number, rank, name and unit? *Question to the accused.*

A-; **Yes Sir, sir.** *Answer.*

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

A-; **Not guilty, sir.** *Answer.*

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

A-; **Not guilty, sir.** *Answer.*

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

Answer.

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

Answer.

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

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

B-2 J.S. Thurston Major 3
Pres - DCM.

CHARGE SHEET

The accused, No. SB 105473 Trooper William Gordon EDWARDS, Royal Canadian Armoured Corps, 1st Armoured Regiment (Royal Canadian Dragoons), a soldier of the Canadian Army (Active Force) is charged with:

FIRST CHARGE
Sec. 12(1)(a)
Army Act.

DESERTING HIS MAJESTY'S SERVICE
in that he
at Camp Borden, Ontario, at 1500 hours on 18 AUGUST 1947, absented himself from the Royal Canadian Armoured Corps School, until apprehended by the civil power at Toronto, Ontario, at 1830 hours on 17 DECEMBER 1947. Cost of apprehension $ 1.25.

SECOND CHARGE
Sec. 24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES
in that he
at Camp Borden, Ontario, on 9 SEPTEMBER 1947, was deficient articles of kit to the value of $ 16.09 being 75% of vocabulary prices.

Serial	Article	Number	Value
B 700	Boots, ankle, army, prs.	1	$ 4.73
B 270	Berets, black.	1	.98
B 3300	Drawers, cotton, short.	1	.31
B 8600	Shirts, woolen.	1	.90
B 8750	Shoes, leather, black, prs.	1	3.63
B 10350	Trousers, K/D. long.	2	2.70
A 24150	Overalls, combination.	1	2.29
C 950	Brushes, shaving.	1	.32
C 1000	Brushes, tooth.	1	.07
C 1100	Combs, hair.	1	.03
C 1400	Housewives.	1	.29
C 1650	Neckties, black.	1	.15
D 20200	Badges, cap, CAC.	1	.05
			TOTAL $16.09

Camp Borden, Ontario,
9th January, 1948.

H.A. Phillips
(H.A.Phillips) Lt.-Col.,
Commanding,
1 Armd Regt (RCD).

TO BE TRIED BY DISTRICT COURT-MARTIAL.

G.L. Speakie Maj DAAG
for (N.S. Cuthbert) Lt.-Col.,
A/Officer IC Administration
Central Command

OAKVILLE, Ont.
6 Jan 48

J.A. Campbell Major
Judge Advocate

C

Proceedings on Plea of Not Guilty

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

*Question.

Q-6 *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. A-; No, sir.

(Strike out and initial words not applicable.) The prosecutor ~~[illegible]~~ [declines to make an opening address].

The prosecutor proceeds to call witnesses.

First witness for prosecution. SH-63565 Sgt. R. A. J E S S O P, The Royal Canadian Armoured Corps School, Camp Borden,

being duly sworn, is examined by the prosecutor.

Q-7 Will you identify yourself to the Court?

A- I am SH-63565 Sgt. Jessop, R.A., The R.C.A.C. School, sir.

Q-8 On or about the 18th of August, 1947, would you tell us what your duties were?

A- Sir, on or about that date I was wing orderly sergeant with the Administration Wing of the Royal Canadian Armoured Corps School, sir.

Q-9 Will you tell us anything unusual that occurred during your tour of duty at that time?

A- On my daily inspection that date at some time in the afternoon, at approximately 1500 hours, I failed to find the accused at his place of duty. I searched the area, his quarters and the School area, and still failed to find him, sir.

Q-10 You say you failed to find the accused. Do you recogni[illegible] the accused?

A- Yes, sir.

Q-11 Can you tell us who the accused is?

A- Tpr. Edwards, sir (indicating accused).

Q-12 What did you do then?

A- I did nothing further that day, sir. The following morning, on checking, I found him still absent and put in an absentee report on him, sir.

Q-13 Prior to this finding out that Tpr. Edwards was absent had you ever had previous conversations with Tpr. Edwards that you recall?

A- No, sir.

Q-14 None whatever?

A- None, sir.

..... The Defending Officer declines to cross-examine.

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

..... The witness withdraws.

- - -

SECOND WITNESS FOR PROSECUTION

ZH-206 Captain W. D. L I T T L E, The Royal Canadian Armoured Corps School, being duly sworn, is examined by the Prosecutor :-

Q-15 Will you identify yourself to the Court?

A- I am ZH 206 Capt. W.D. Little, Adjutant of the Royal Canadian Armoured Corps School.

Q-16 In your duties as Adjutant of the Royal Canadian Armoured Corps School have you had possession of the regimental books or documents pertaining to the accused?

A- As Adjutant, after his time of going AWL I was in possession of the documents and records of the accused.

Q-17 Will you identify this document?

A- This is the Declaration of a Court of Inquiry held

after the accused went AWL. (presents document to Court)

JUDGE ADVOCATE :- (to Def. Offr) Any objection?

DEFENDING OFFR :- No, sir.

..... MFB 375 dated 10 Sep 47 read by the Court, marked Exhibit "G" signed by the President and attached to the proceedings.

..... Defending Offr declines to cross-examine.

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

..... The witness withdraws.

- - -

THIRD WITNESS FOR PROSECUTION

SP-1035 SQMS J.E. C R O F T, 1 Armd Regt (RCD) being duly sworn, is examined by the Prosecutor :-

Q- Will you identify yourself to the Court?

A- I am SP 1035 SQMS Croft, J.E., 1 Armoured Regiment (RCD).

Q- You are Squadron Quartermaster Sergeant, are you not?

A- Yes, sir.

Q- For what unit?

A- A Squadron, 1 Armd Regt (RCD).

Q- Were you on duty on or about the 19th of December 1947?

A- Yes, sir.

Q- Was the accused brought into the Stores on that date?

A- Yes, sir.

Q- Do you recognize the accused?

A- Yes, I do.

Q- Tell us who he is?

A- Tpr. Edwards, W.G.

Q- Can you tell us why and in what state he was brought

into the Stores?

A- He was brought into the Stores on that date in order to come up to the Detention Barracks. He had been here previously and they loaned him a pair of coveralls. When he came to the Stores that was the only clothing he had apart from the civilian clothes he came back in. I checked the articles of clothing that were returned to us from the Armoured Corps School and everything was in order and his deficiencies are the same as they were at the time of the Court of Inquiry.

Q-16 When you say you checked, you mean you checked the deficiencies of the Court of Inquiry?

A- No, I checked the articles of clothing that were turned in from the School against the kit list that was made up.

Q-17 Which is Exhibit "G"?

A- No, not that one; the kit that was turned in.

Q-18 Since that check, has any of the equipment been found?

A- The accused made a report that he had a pair of shoes over at the Armoured Corps School for repairs. I 'phoned the RQMS and he told me that there is a pair of shoes over there belonging to the accused.

..... Defending Offr declines to cross-examine.

QUESTIONED BY THE JUDGE ADVOCATE :-

Q-29 The shoes that belong to the accused are now over at the School -- that is correct, is it? There is a pair over at the school?

JSC

A- That is correct, sir.

Q-30 Can you tell me the serial number? I show you the Charge Sheet which has on it the serial number B-8750. Would that be the pair of shoes?

A- Yes, sir.

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

..... The witness withdraws.

- - -

FOURTH WITNESS FOR PROSECUTION

ZB-2716 Captain J.S. P A I S L E Y, 1 Armoured Regiment (RCD), being duly sworn, is examined by the Prosecutor :-

Q-31 Will you identify yourself to the Court, please?

A- I am ZB-2716 Capt. J.S. Paisley, Adjutant of the 1st Armoured Regiment (RCD) and have been so since the 1st of October, 1946.

Q-32 As Adjutant of the 1st Armoured Regiment, you have possession of the regimental documents?

A- Yes.

Q-33 Will you identify this document?

A- This is Pt. II Order No. 149 dated 15th September, 1947, which shoes that Tpr. Edwards had ceased to be attached F.A.P. to the RCAC School.

Q-34 Will you identify this document?

A- This is Pt II Daily Order No. 151 dated 19 Sep 47 which shows Tpr. Edwards SOS as a deserter and the deficiencies of kit are shown.

Q-35 Will you identify this document?

A- Pt. II Daily Order No. 1 showing Tpr. Edwards TOS on apprehension and costs of apprehension.

Q-36 Will you identify this one?

A- This is a Certificate of Arrest referring to the accused. (Documents are presented to Court.)

JUDGE ADVOCATE :- Have you any objection to any of the documents?

DEFENDING OFFR :- No, sir.

..... The above-mentioned documents are read by the Court, marked Exhibits "H","I","J" and "K" respectively, signed by the President and attached to the proceedings.

..... Defending Officer declines to cross-examine.

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

..... The witness withdraws.

- - - -

D

The prosecution is closed.

Defence

Question to the accused. Q37 Do you apply to give evidence yourself as a witness?

Answer. A No, sir.

Question. Q38 Do you intend to call any other witness in your defence?

Answer. A No, sir.

~~xxxx

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused SB 105473 Trooper William Gordon EDWARDS, Royal Canadian Armoured Corps, 1st Armoured Regiment (Royal Canadian Dragoons), is guilty of the 1st charge and is guilty of the 2nd charge except that he was not deficient one pair of shoes, leather, black, seventy-five percent of the vocabulary price of said shoes being Three dollars and sixty-three cents.

Proceedings on Conviction *before Sentence*

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

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

ZB-2716 Captain J.S. Paisley, 1 Armd Regt (RCD) acknowledges his former oath.

Evidence of character, etc.

Q40 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-; Yes, sir, I produce MFB 355 and certified true copy of MFM 6 of the accused.

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

Q41 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-; Yes, sir.

Q42 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-; Yes, sir.

Q43 *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.* A-; Yes, sir.

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

[illegible] by the Defending Officer declined, Counsel for the [illegible].

A-...The Defending Officer declines to cross-examine.

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

A-...The witness withdraws.

Q44 *Question to the accused.* Do you wish to address the Court? A-; Yes, sir, through my Defending Officer. (See document marked "N" ,att.)

Answer.

PRESIDENT: The Court is closed for the consideration of the sentence. 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.

F

Sentence

The Court sentence the accused SB 105473 Trooper William Gordon EDWARDS, Royal Canadian Armoured Corps, 1st Armoured Regiment (Royal Canadian Dragoons), to undergo detention for sixty days and to be put under stoppages of pay until he has made good the sum of One dollar and twenty-five cents ($1.25) in respect of the cost of apprehension, together with the sum of Twelve dollars and forty-six cents ($12.46) in respect of loss of kit, being a total stoppage of pay in the sum of Thirteen dollars and seventy-one ($13.71) cents.

Sentence. DETENTION: 60 days.

STOPPAGES: $13.71

SIGNED at Camp Borden, Ontario, this 9th day of January, 1948.

ZD-1198 Major J.W.B. Johnston
The Royal Canadian Armoured Corps School
PRESIDENT

ZB-1052 Major J.C.A. Campbell,
Office of the Judge Advocate-General,
Attached Headquarters, Central Command
JUDGE ADVOCATE

I Confirm the Finding and Sentence of the Court.

(N.S. Cuthbert) Lt.-Col.,
A/Officer IC Administration
Central Command

OAKVILLE, Ont.
15 JAN 48.

Promulgated and extracts taken at Camp Borden, Ontario, this 19th day of January, 1948.

(H.A. Phillips) Lt.-Col.,
Commanding,
1 Armd Regt (RCD).

"X" 21

Johnston Major. Pres - DCM.

ORDERS BY

Lieutenant-Colonel W.S. Cuthbert
Acting Officer in charge of Administration
Central Command

J.C.A. Campbell Major Judge Advocate

AVILLE, Ontario,
6th January, 1948.

DISTRICT COURT-MARTIAL

SB-28874, Sapper (Acting Corporal) Archibald Roy McCREEDY,
No. 2 Section A & T Staff, employed with
2nd Field Engineer Regiment, R.C.E.
SB-18058 Gunner Frederick Arthur PHILLIPS,
Royal Canadian Artillery of No. 6 Personnel Depot
SB-1198 Private Nelson Philip VAN LUVEN
The Royal Canadian School of Infantry

The detail of Officers mentioned below will assemble at No.12 Military Detention Barracks, Camp Borden, Ontario, on Friday, 9th January, 1948, at 10 o'clock, a.m., for the purpose of trying by District Court-Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT

ZD-1198 Major J.W.B. Johnston, E.D.,
The Royal Canadian Armoured Corps School

MEMBERS

ZP-1698 Captain S. Rowton,
The Royal Canadian Army Service Corps School

ZC-2720 Captain G.R. Seymour, R.C.O.C.,
23 Composite Brigade Group Workshop, R.C.E.M.E.

WAITING MEMBER

ZB-156 Captain W.F. Bates, R.C.I.C.,
The Royal Canadian School of Infantry

JUDGE ADVOCATE

ZB-1052 Major J.C.A. Campbell, E.D.,
Office of the Judge Advocate-General,
Attached Headquarters, Central Command

PROSECUTOR

ZP-2835 Lieutenant E.M. DeWitt,
Cadet Training Officer, Headquarters, Central Command,
is detailed as Prosecutor in the cases of McCreedy and Phillips. The Commanding Officer of each of the other soldiers brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

OFFICERS UNDER INSTRUCTION

The Garrison Commander, Camp Borden, may detail Officers to attend the Court-Martial for instruction.

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

The Commandant, No. 12 Military Detention Barracks, Camp Borden, Ontario, will detail a court orderly and escort and will arrange for the necessary accommodation and stationery.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The proceedings will be forwarded to the A.A. & Q.M.G., Central Command.

SIGNED at OAKVILLE, Ontario, this 6th day of January, 1948.

for (N.S. Cuthbert) Lt.-Col.
Acting Officer IC Administration
Central Command

DAILY ORDERS PART I
BY
LT-COL. H.A. PHILLIPS, O.B.E.
COMMANDING
1st ARMOURED REGIMENT (ROYAL CANADIAN DRAGOONS)

ORDER NO. 6
8 JAN 48
CAMP BORDEN, ONTARIO.

WEATHER

Clearing and Cooler.

1. LAST ORDER ISSUED NO. 5 dated 7 JAN 48.

2. CAMP DUTIES
CAMP BORDEN FIELD OFFICER

1800 hrs 7 JAN 48 to 1800 hrs 11 JAN 48
Capt. D.R. McKAY - RCASC School.
Phone: Day - 232 Night - 218

1800 hrs 11 JAN 48 to 1800 hrs 15 JAN 48
Major J.E. BESWICK, MBE - 1 Armd Regt (RCD)
Phone: Day - 231W Night - 401

VISITING OFFICER - DETENTION BARRACKS

5 JAN 48 to 10 JAN 48 (Inclusive)
Major H.W. HAGEY - 205 Base Wksp RCEME

3. UNIT DUTIES
REGIMENTAL ORDERLY OFFICER

8 JAN 48 RSM RUSSELL, L.F. (MBE)
9 JAN 48 Capt. J.G. PRICE
10-11 JAN 48 Lieut. J.H. McDONALD
12 JAN 48 SSM HONE, J.H.C.

REGIMENTAL ORDERLY SERGEANT

5 JAN 48 to 11 JAN 48 (Incl.)
Cpl. FITZPATRICK, G.S.

4. REGIMENTAL ORDERLY ROOM NIGHT DUTY CLERK

8 JAN 48 Tpr. STODDARD, F.D.
9 JAN 48 Cpl. VAN ALLEN, D.E.

1200 hrs 10 JAN 48 to 0830 hrs 12 JAN 48
Tpr. MOORE, E.R.

5. SQUADRON POSTINGS

The u/m is posted to "A" Squadron on being T.O.S. this Unit, w.e.f. 6 JAN 48:

SD 189784 Tpr. RUSSELL, A.G.

6. INTER-SQUADRON POSTINGS

The u/m is posted from "HQ" Squadron to "A" Squadron, w.e.f. 8 JAN 48:

SF 45981 Tpr. HUGHES, F.W.

7. COURT OF INQUIRY

A Court of Inquiry, composed as hereunder, will meet at the call of the President, to inquire into and report upon, the illegal absence of SB 37630 Tpr. ANDERSON, R., I Armd Regt (RCD).

President: ZD 360 Lieut. J.G. MURPHY

Members: ZA 2713 Lieut. F.J. MURPHY
ZD 1860 Lieut. P.C.M. MEUNIER

8. DISCIPLINE
MISUSE OF DND TRANSPORT

On 23 DEC 47 SD 163508 Pte. BLANCHARD, T.E. and SB 130655 Pte. SHERRARD, W.G., Royal Canadian School of Infantry, pleaded guilty in Magistrates Court in Barrie, Ontario, to joy-riding in DND Vehicles 78-215 and 75-719 on the night of 15/16 DEC 47, contrary to Section 285(3) of the Criminal Code of Canada.

They were sentenced to serve two months in the Common Gaol in Barrie, Ontario.

9. MARRIED ROLL - ACTIVE FORCE

1. Paragraphs 931 to 935 of KR (Can) 1939 are re-published hereunder for the information of all concerned. (Supplement No 50 to CAOs dated 22 DEC 47 refers).

"931. Definition-(a) For the purpose of this sub-section "dependent child" of an Officer or Soldier means a legitimate son, legitimate daughter, step-son, step-daughter or a legally adopted son or daughter, who is:

(i) under 18 years of age, or prevented from earning a living by reason of mental or physical infirmity;
(ii) in law or in fact in the custody and control of the Officer or soldier;
(iii) dependent upon the officer or soldier for support; and in the case of a daughter, step-daughter or legally adopted daughter, is not married.

9. MARRIED ROLL - ACTIVE FORCE (CONTINUED)

(b) For the purpose of (a) (ii) of this paragraph, where an officer or soldier is divorced or is estranged and living apart from his wife

(i) a child is "in law or in fact in the custody and control of the officer or soldier" when

(a) a court decree or judgment or separation agreement exists, the terms of which award the custody of the child to the officer or soldier, or make no provision for the child, but the child is actually in the custody of the officer or soldier, or

(b) a court decree or judgment or separation agreement does not exist, but the child is actually in the custody of the officer or soldier.

(ii) a child is not "in law or in fact in the custody or control of the officer or soldier" when a court decree or judgment or separation agreement exists which awards the custody of the child to the wife.

932. A nominal roll to be designated the "Married Roll" shall be maintained by each Unit.

933. Subject to any limitations prescribed by the Minister, the "Married Roll" shall include any Officer or Soldier duly appointed to or enlisted in the Active Force who has served on Active Service during the period commencing on the 10th day of September, 1939, or who has attained, in the case of an officer, the age of 25 years. (Provided that a soldier who is carried on the Married Roll on being commissioned shall not be removed from the Married Roll because he has not reached the age of 25 years), or in the case of a soldier 23 years if he

(a) is married, except when

(i), he is estranged and living apart from his wife, or

(ii) his wife is being maintained at the expense of a public authority; or

(b) has at least one dependent child.

934. (a) Where an officer or soldier who is carried on the Married Roll is divorced or separated, or where any circumstance occurs which might preclude his retention on the Married Roll, he shall immediately notify his commanding officer, who shall communicate the information, through the officer commanding the command, to the Adjutant-General.

(b) Where circumstances come to the attention of the commanding officer indicating that it is undesirable to continue to carry an officer or soldier on the Married Roll, he shall report the circumstances, through the officer commanding the command, to the Adjutant-General.

935. The Married Roll is intended to provide a nominal roll of officers and soldiers who are endeavouring to carry on a normal domestic existence and are entitled to certain compensations by reason of the disruption of this endeavour caused by the exigencies of the Service. It is not intended to provide a nominal roll of officers and soldiers having legal dependents. Subject only to the age limitations prescribed in paragraph 933 and to ministerial policy, the Adjutant-General may cause any officer or soldier to be placed on the married Roll or removed therefrom in order to fulfil this intention."

10. MEN'S CANTEEN MEETING

There will be a Men's Canteen Meeting in the Men's Canteen at 1600 hours, 9 JAN 48. All ranks, Cpl. and below, will attend.

11. DISTRICT COURT-MARTIAL

ORDERS BY

Lieutenant-Colonel N.S. CUTHBERT
Acting Officer in charge of Administration
Central Command

OAKVILLE, Ontario,
6th January, 1948.

District-Court-Martial

SB 105473, Trooper William Gordon EDWARDS,
Ist Armoured Regiment (Royal Canadian Dragoons) R.C.A.C.

The detail of Officers mentioned below will assemble at No. 12 Military Detention Barracks, Camp Borden, Ontario, on Friday, 9th January, 1948, at 10 o'clock, a.m., for the purpose of trying by District Court-Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT

ZD 1198 Major J.W.B. JOHNSTON, E.D.,
The Royal Canadian Armoured Corps School

MEMBERS

ZP 1698 Captain S. ROWTON,
The Royal Canadian Army Service Corps School.

ZC 2720 Captain G.R. SEYMOUR, R.C.O.C.,
23 Composite Brigade Group Workshop, R.C.E.M.E.

WAITING MEMBER

ZB 156 Captain W.F. BATES, R.C.I.C.
The Royal Canadian School of Infantry

JUDGE ADVOCATE

ZB 1052 Major J.C.A. CAMPBELL, E.D.,
Office of the Judge Advocate-General,
Attached Headquarters, Central Command.

PROSECUTOR

The Commanding Officer of each of the other soldiers brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

11. DISTRICT COURT-MARTIAL (CONTINUED)

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

OFFICERS UNDER INSTRUCTION

The Garrison Commander, Camp Borden, may detail Officers to attend the Court-Martial for instruction.

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

The Commandant, No. 12 Military Detention Barracks, Camp Borden, Ontario, will detail a court orderly and escort and will arrange for the necessary accommodation and stationery.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The proceedings will be forwarded to the A.A. & Q.M.G., Central Command.

SIGNED AT OAKVILLE, Ontario, this 6th day of January, 1948.

(Signed) C.I. Speedie, Major, DAAG.
(N.S. Cuthbert) Lt-Col.,
Acting Officer IC Administration
Central Command

DEFENDING OFFICER

ZD 1860 Lieut. P.C. M. MEUNIER, I Armd Regt (RCD) is detailed to act as Defending Officer in the case of SB 105473 Trooper William Gordon EDWARDS, I Armd Regt (RCD).

PROSECUTOR

ZD 802 Captain R. HARAN, I Armd Regt (RCD) is detailed to act as Prosecuting Officer in the case of SB 105473 Trooper William Gordon EDWARDS, I Armd Regt (RCD).

CERTIFIED TRUE COPY

(J.S. PAISLEY) CAPTAIN
ADJUTANT
I ARMD REGT (RCD).
8 Jan 48

J.S. Paisley Capt

J.S. Paisley) Captain,
Adjutant,
I Armd Regt (RCD)

EXHIBIT "A" "G" EXHIBIT A.N 33

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ontario, on the 9th day of September 19 47, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. SB 105473 Trooper William Gordon EDWARDS (RCAC) 1 Armd Regt (RCD) att'd to Royal Cdn Armoured Corps School

DECLARATION

The Court declare that No. SB-105473 (Regt'l No.) Trooper (Rank) EDWARDS William Gordon (Full Name) 1 Armd Regt (RCD) attd to (Unit) RCAC School

illegally absented himself without leave from Royal Cdn Armd Corps School

at Camp Borden, Ont. (Place) 1500 hours on the 18th day of August 1947,

that he is still so absent, and that on the 9th September 1947 he was deficient, and that he is still deficient of the following articles:—

	ARTICLES		Reduced VALUE		ARTICLES		Reduced VALUE
B 700	Boots ankle army prs	1	4 37	C 1400	Housewives	1	29
B 270	Berets black	1	98	C 1650	Neckties black	1	15
B 3300	Drawers cottonshort	1	31				
B 8600	Shirts woolen	1	90	D 20200	Badges Cap CAC		05
B 8750	Shoes leather black prl		3 63				
B 10350	Trousers K/D long (2)		2 70		TOTAL		$16. 09
A 24150	Overalls combination	1	29				
C 950	Brushes shaving	1	38				
C 1000	Brushes tooth	1	07				
C 1100	Combs, hair	1	03				

Signed (T.M. Sample) Lt. RCAC School Sole Member
(Name) (Rank) (Unit)

Member
(Name) (Rank) (Unit)

Signed at Camp Borden, Ontario Member
(Name) (Rank) (Unit)

this 10th day of September 19 47

Signature of Commanding Officer Signed (S.V. Radley-Walters) Major RCAC School
(Name) (Rank) (Unit)

Certified true copy Signed (W.D. Little) Capt & Adjt., RCAC School
(Name) (Rank) (Unit)
(Signature of Officer having custody of original record)

M.F.B. 275
A.F.B. 115
200M—1-44 (3376)
H.Q. 1772-39-257

CERTIFIED TRUE COPY (W.D. Little) Capt & Adjt. RCAC School
Officer having custody of original record

DAILY ORDERS PART II

I ARMD REGT (RCD)-CDN ARMY (AF)

PUBLISHED BY
LT-COL H.A. PHILLIPS, O.B.E.
Officer Commanding

Last Order No. 148

Dated 12 SEP 47

This Order No. 149

Dated 15 SEP 47
CAMP BORDEN, Ontario.

"A" OFFICERS

1. ATTACHMENTS
Cease att for I&Q from Cdn Army Staff College, Kingston, Ontario.
Auth: CC 5/COURSES OFFRS/3 d/ 8 JUN 47, & CC/65 MacFARLANE C.B./1 d/18 AUG 47.
ZB.1865 A/Major C.B. MacFARLANE, C INT C 15 SEP 47

2. MONTHLY ALLOWANCES
Ceases to draw Sub. Allce rate $60.00 p/m.
Auth: Para 150 P&A (Army).
ZL. 355 Lieut. D.C. IRWIN RCAC 15 SEP 47

3. STRENGTH DECREASE
SOS to HQ. Western Ontario Area, London, Ontario.
Auth: CCA. 6567 d/4 SEP 47.
ZL. 355 Lieut. D.C. IRWIN RCAC 15 SEP 47

"B" OTHER RANKS

4. STRENGTH INCREASE
TOS on rejoining from Desertion at 1920 hrs.
SG. 158 Tpr. FORBES, R.E. RCAC 29 AUG 47

EXHIBIT 'C' RH

EXHIBIT 'C' CN

15 SEP 47 I ARMD REGT (RCD) CDN ARMY (AF) 149 TWO

"H"

Certified true copy & ady.

5. ATTACHMENTS
Cease att FAP to RCAC School, Cdn Army (AF) (Whilst AWL) Auth: CC/61 Org Camp Sch/4 (DAAG) d/10 MAY 47. — SB.105473 Tpr. EDWARDS, W.G. — RCAC 9 SEP 47

6. COURSES
Completed P-11 Vehicle Mechanics Group II (Wheeled) Course. Auth: AHQ.Pt II Obs. No. C2-3293 d/9 SEP 47. — SD. 36518 Tpr. MASSEY, J.E. — RCAC 9 MAY 47

7. QUALIFICATIONS
(A) Qualified Gnr Op Gp I. Auth: CAO 269-1 & CC Order No. 278 d/24 JUL 47. — SB. 63364 Tpr. HOOD, K. — RCAC 17 MAY 47

(b) Qualified Vehicle Mechanic "WH" Gp II. Auth: CARO 6579 amended by 6732 & AHQ Pt II Obs. No C2-3293 d/9 SEP 47. — SD. 36518 Tpr. MASSEY, J.E. — RCAC 10 SEP 47

8. CLASSIFICATION & GROUPING OF PAY
(a) To draw pay of Gnr Op Gp I. Auth: Para 109 P&A (Army). — SB. 63364 Tpr. HOOD, K. — RCAC 17 MAY 47

(b) Completed 3 yrs in rank of Tpr. to draw increase of pay. Auth. Para 109 P&A (Army). — SB.118999 Tpr. GOUGH, C.K. — RCAC 15 SEP 47

8. CLASSIFICATION & GROUPING OF PAY (Cont'd)

(c) Ceases to draw pay of Dvr Mech "TR" Gp I. Auth: Para 109 P&A (Army)	SD. 36518	Tpr.	MASSEY, J.E.	RCAC	9 SEP 47
(d) To draw pay of Vehicle Mechanic "WH" Gp II. Auth: Para 109 P&A (Army).	SD. 36518	Tpr.	MASSEY, J.E.	RCAC	10 SEP 47

9. LEAVE

(a) Granted 30 days Annual Leave plus 5 days T.T. with Ration Allce rate $15.00 p/m. Auth: Para 155(2) P&A (Army)	SG. 9020	L/Cpl.	CLOUSTON, B.C.	RCAC	15 SEP 47
(b) Granted 30 days Annual Leave with Ration Allce rate $15.00 p/m Auth: Para 155(2) P&A (Army).	SB. 61116	Tpr.	GIROUX, L.P.	RCAC	15 SEP 47
	SC.135530	Tpr.	BOUCHARD, V.J.	RCAC	15 SEP 47
(c) Granted 16 days Annual Leave with Ration Allce Rate $15.00 p/m Auth: Para 155(2) P&A (Army)	SB. 48643	Tpr.	TEBBUTT, S.N.	RCAC	15 SEP 47
(d) Granted 8 days Annual Leave.	SD. 36518	Tpr.	MASSEY, J.E.	RCAC	15 SEP 47
(e) Granted 15 days Annual Leave.	SB. 48875	Cpl.	DAVID, A.	RCASC	15 SEP 47
(f) Granted 16 days Annual Leave.	SP. 1647	Sgt.	DAWSON, J.	RCAC	15 SEP 47

10. COST OF APPREHENSION
Cost of Apprehn: Fare for escort $ 21.25
fare for prisoner $ 7.58
TOTAL $ 28.83
Auth: CC Order No. 222 d/17 JUN 47.

SG. 158 — Tpr. FORBES, R.E. RCAC 6 SEP 47

11. HOSPITAL
Discharged from C.B.S.H.

SD. 36518 Tpr. MASSEY, J.E. RCAC 5 SEP 47

12. NEXT-OF-KIN (Verification of)
(a) Mrs. Dorothy Agnes INKPEN, (Wife) 32 Ross St. BARRIE, Ontario.

SF. 51699 Tpr. INKPEN, T.A. RCAC 15 SEP 47

(b) Mrs. Catherine STUART (Wife) 78 William St. BARRIE, Ontario.

SP. 1557 Sgt. STUART, W.M. RCAC 15 SEP 47

(c) Mrs. Jessie AITKEN, (Wife) 122 Dunlop St. BARRIE, Ontario.

SG. 526 Tpr. AITKEN, G.B. RCAC 15 SEP 47

13. STRENGTH DECREASE.
(a) SOS des. having been declared illegally absent from 0830 hrs 18 AUG 47 by Ct. Inq. held 12 SEP 47. Deficiencies of kit to the value of $12.85.

SF. 96589 Tpr. MISENER, A.B. RCAC 12 SEP 47

13. STRENGTH DECREASE (Cont'd)

(b) SOS to A&T Staff, 11 Armd Regt (Ont R) Oshawa, Ontario. Auth: CCA 5306 d/6 AUG 47.	SP.	1686	WO II	SHACKLETON, N.A.	RCAC	15 SEP 47
(c) SOS des. having been declared illegally absent from 0630 hrs 6 AUG 47 by C/. Inqy. held 28 AUG 47. Deficiencies of kit to the value of $69.59.	SG.	158	Tpr.	FORBES, L.E.	RCAC	28 AUG 47

(J.S. Paisley) Capt.
Adjutant
1 Armd Regt (RCD)

DAILY ORDERS PART II

Last Order No. 150

Dated 17 SEP 47

I ARMD REGT (RCD) CDN ARMY (AF)

PUBLISHED BY
LT-COL H.A. PHILLIPS, O.B.E.
Officer Commanding

This Order No. 151

Dated 19 SEP 47
CAMP BORDEN, Ontario

"A" OFFICERS

1. STRENGTH INCREASE. (a) TOS from HQ Quebec Command (No. 4 Sec A&T Staff). Auth: CCA. 6043 d/17 JUN 47.	ZD. 802	Capt.	Rene, HARAN, (Married)	RCAC	15 JUN 47
(b) CANCELLATION TOS from HQ Quebec Command, (No. 4 Sec. A&T Staff). Auth: CCA 6043 d/17 JUN 47. (Para 1(b) DO 150 d/17 SEP 47)	ZD. 802	Capt.	Rene, HARAN, (Married)	RCIC	15 JUN 47
2. ATTACHMENTS (a) Cease att FAP to RCAC School, Cdn Army (AF). Auth: CC/65/TRG RES COTC/1 d/ 14 APR 47.	ZD. 544 ZL.2717	Lieut. Capt.	B.M. MILLIGAN, J.W. QUINN,	RCAC RCAC	15 SEP 47
(b) Att FAP to H.Q. Quebec Command (No. 4 Sec A&T Staff). Auth: Pers 5931 RCAC Uncl.	ZD. 802	Capt.	R. HARAN	RCAC	15 JUN 47
(c) CANCELLATION Att FAP to H.Q. Quebec Command (No. 4 Sec A&T Staff). Auth: Pers 5931 RCAC Uncl. (Para 2(a) DO 150 d/17 SEP 47)	ZD. 802	Capt.	R. HARAN,	RCIC	15 JUN 47

2. ATTACHMENTS (Cont'd) (d) Cease att FAP to HQ Quebec Command (No. 4 Sec A&T Staff) Auth: Pers 5931 RCAC uncl.	ZD. 802	Capt.	R. HARAN	RCAC	7 SEP 47
(e) CANCELLATION Cease att FAP to HQ Quebec Command, (No. 4 Sec A&T Staff). Auth: Pers 5931 RCAC uncl. (Para 2(b) DO 150 d/17 SEP 47).	ZD. 802	Capt.	R. HARAN,	RCIC	7 SEP 47
3. MONTHLY ALLOWANCES (a) Ceases to draw Separated Family Allce, rate 45.00 p/m Auth: CCA 4870 Para 2(a)	ZC. 1023	Capt.	H.W. THOMAS	RCAC	18 SEP 47
(b) To draw Separated Family Allce rate $45.00 p)m. Auth:. CCA 4870 Para 2(a)	ZD. 802	Capt.	R. HARAN	RCAC	8 SEP 47
(c) CANCELLATION To draw Separated Family Allce rate $45.00 p/m. Auth: CCA 4870 Para 2 (a). (Para 6 DO 150 d/17 SEP 47).	ZD. 802	Capt.	R. HARAN,	RCIC	8 SEP 47
4. STRENGTH DECREASE SOS to H.Q. Western Ontario Area, London, Ontario. Auth: CCA 6431 d/29 AUG 47.	ZC. 1023	Capt.	H.W. THOMAS	RCAC	18 SEP 47

19 SEP 47 I ARMD REGT (RCD) CDN ARMY (AF)

"B" OTHER RANKS

5. STRENGTH INCREASE
(a) TOS from No. 2 DD. Cdn Army (AF) SB.143704 Tpr. ELLIOTT, James, (Married) RCAC 17 SEP 47
Auth: Pers 9038 d/10 SEP 47.

(b) TOS from No. 2 DD Cdn Army(AF) SB.136468 Tpr. DENOMME, William, Joseph, (Single) RCAC 17 SEP 47
Auth: Pers. 8313 d/26 AUG 47.

6. CLASSIFICATION & GROUPING OF PAY
Ceases to draw pay of Clerk Gp II. SG. 9029 Tpr. HARLING, I.P. RCAC 17 SEP 47
Auth: Para 109 P&A (Army).

7. LEAVE
(a) Granted 30 days Annual Leave plus 4 days T.T. with Ration Allce rate $15.00 p/m
Auth: Para 155(2) P&A (Army). SB.102364 Tpr. TAYLOR, K.R. RCAC 18 SEP 47
SF. 95715 Tpr. VIDITO, I.H. RCAC

(b) Granted 23 days Annual Leave plus 4 days T.T. with Ration Allce rate $15.00 p)m.
Auth: Para 155(2) P&A (Army). SF. 45846 Tpr. FRASER, J.A. RCAC 18 SEP 47

(c) Granted 30 days Annual Leave with Ration Allce rate $1500 p/m.
Auth: Para 155(2) P&A (Army). SB.106826 Tpr. ADDIS, C.D. RCAC 18 SEP 47

EXHIBIT 'D' RN

EXHIBIT 'D' RN

19 SEP 47 I ARMD REGT (RCD) CDN ARMY (AF) 151 FOUR

"I"
J.S. Johnston Major
Pres. - DCM.

8. HOSPITAL
Admitted to C.B.S.H. — SD.167391 Tpr. ROSS, A.D. — RCAC 18 SEP 47

QUARTERS
Occupies EMERGENCY Married Quarters, and Assessed rental at rate of $15.10 p/m.
Auth: AHQ.31-14-17 FD6 (DWA-AF) HQ.MD2.T.36-12-1(Q) d/17 OCT 47. — SC.123393 L/Cpl. WAKE, R. — RCAC 1 SEP 47

10. MONTHLY ALLOWANCES
To draw Separated Family Allce rate $30.00 p/m.
Auth: CCA 4870 Para 2(a). — SB.143704 Tpr. ELLIOTT, J. — RCAC 17 SEP 47

11. STRENGTH DECREASE
(a) SOS to AHQ BR of AG(D Pers) Ottawa, Ontario.
Auth: CCA 6838 d/12 SEP 47. — SG. 9029 Tpr. HARDING, I.P. — RCAC 17 SEP 47

(b) SOS des. having been declared illegally absent from 1500 hrs 18 AUG 47 by Ct Inq held 9 SEP 47. Deficiencies of kit to the value of $16.09. — SB.105473 Tpr. EDWARDS, W.G. — RCAC 9 SEP 47

certified true
Jo Paisley aptady

(J.S. Paisley) Capt.
Adjutant
1 Armd Regt (RCD).

J.S. Johnston Maj
Pres. - DCM.

EXHIBIT 'E' R.N.

EXHIBIT 'E' R.N.

PART II ORDERS

I ARMD REGT (RCD) CDN ARMY (AF)

PUBLISHED BY
LT-COL H.A. PHILLIPS, O.B.E.
Officer Commanding

"J"

Last Order No. 190

Dated 31 DEC 47

This Order No. 1

Dated 2 JAN 48

Camp Borden, Ontario

J. Johnston Major
Secs - DCM

"A" OFFICERS

N I L

"B" OTHER RANKS

1. STRENGTH INCREASE.

(a) TOS on apprehension at 1830 hrs. SB.105473 Tpr. EDWARDS, William Gordon, (Single) RCAC 17 DEC 47
Cost of apprehension.
Meals - 1 @ $1.25.
Total expenses - $1.25.

certified true
J. Hanley Capt adj

(b) CANCELLATION
TOS on apprehension at 1830 hrs (Para 1(a) DO 187 d/23 DEC 47). SB.105473 Tpr. EDWARDS, William Gordon, (Single) RCAC 17 DEC 47

2. DRIVER IC TESTS

(a) Qualified Dvr IC (MB) 3 tons. Auth: CBO. 483 d/18 DEC 47.

SB.118923	A/Cpl	MULLIN, J.F.	RCAC	18 DEC 47
SC. 70439	Tpr.	BARBIER, R.J.	RCAC	
SB.137415	Tpr.	BROADHEAD, T.L.	RCAC	
SB.153042	Tpr.	PATTERSON, S.L.	RCAC	
SB.167391	Tpr.	ROSS, A.D.	RCAC	
SB. 62287	Tpr.	THOMPSON, W.H.	RCAC	

(b) Qualified Dvr IC(MV) 3 ton, ¾ ton, jeep. Auth: CBO 483 d/18 DEC 47.

SA.106909	A/Cpl	FERGUSON, H.W.	RCAC	18 DEC 47
SB. 91495	Tpr.	McDONALD, D.	RCAC	
SB.115997	Tpr.	SEARS, H.F.	RCAC	

2. DRIVER IC TESTS (Cont'd)

(c) Qualified LVR IC (MV) 3 tons. Auth: CBO 491 d/23 DEC 47.	SG. 51496	Tpr.	ALWARD, E.C.	RCAC	23 DEC 47
	SB.153040	Tpr.	HANDS, J.F.	RCAC	
	SB. 73589	Cpl.	MOIR, W.S.	RCAC	
(d) Qualified Dvr IC (MB) 3 ton ¾ ton, jeep, staff car Auth: CBO. 441 d/30 DEC 47.	SP. 1046	A/Cpl	WENDON, J.P.	RCAC	30 DEC 47
	SA. 42000	Tpr.	ADAIR, T.A.	RCAC	
	SB.158659	Tpr.	LAFRANCE, J.R.	RCAC	
	SF. 88998	Tpr.	WESTAWAY, O.J.	RCAC	
(e) Qualified Dvr (C (MV) 3 ton ¾ ton, jeep. Auth: CBO 441 d/30 DEC 47.	SF. 7287	Tpr.	BROWN, C.C.	RCAC	30 DEC 47
	SC.121991	Tpr.	JOHNSTON, M.W	RCAC	
	SB.102624	Tpr.	MORRISON, R.	RCAC	
	SM. 6287	Tpr.	NEWBY, T.A.	RCAC	
(f) Qualified Dvr IC (MB) ¾ton, jeep, staff car, station wagon. Auth: CBO. 441 d/30 DEC 47.	SB. 74330	Tpr.	STITT, G.C.	RCAC	30 DEC 47

(J.S. Paisley) Capt.
Adjutant
1 Armd Regt (RCL)

EXHIBIT 3 GH 47

Exhibit "B" "K"

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

I certify that the person whose description is given below was arrested (~~or surrendered~~) at TORONTO, Ont. (Place), at 18:30 hrs (Hour),

on the SEVENTEENTH day of December, 1947

Regimental particulars of officer or soldier referred to above

(NO. SB-105473
(Rank. Tpr.
(Name. EDWARDS, William Gordon
(Unit. Royal Cdn. Dragoons
(Age. 20
(Height. 5'7½"
(Complexion. Medium
(Hair. Light Brown
(Eyes. Blue
(Marks. Scar right ring finger

Description

Johnston Major. Pres - DCM's

J.C. Campbell Major Judge Advocate

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

Robert McArthur Detective No. 6 Police Station (Robert McArthur) In charge of TORONTO, Ont.

Police Station

J.C. Caulfield Maj - Judge Advocate
J. Johnston Major Pres - DCM
45

- L -

CLOSING ADDRESS BY PROSECUTOR :-

The fact of the man leaving has been brought out. In connection with the 1st charge, of desertion, there has been documentary evidence produced which shows that the man left and also showing he was apprehended by civil police. Evidence has also been brought out that when he was brought back here he had no military clothing at all. He was brought back in civilian clothing and had to be given a pair of coveralls.

On the 2nd charge, of losing by neglect, he did not return any articles of military clothing but it was discovered that a pair of shoes which are listed on the charge sheet as serial B-8750 shoes, leather, black, pairs, 1, to the value of $3.63, are now in possession of the Quartermaster of the RCAC School.

This evidence was all brought out and was not questioned by the Defence, and I believe that the Court can take it as it stands and I think a conviction is in order.

- - - -

gdc

J.W. Johnston Major
Pres - DCM

J.A. Campbell Major
Judge Advocate

- M -

CLOSING ADDRESS BY DEFENDING OFFICER :-

I don't think the Prosecution have proven desertion, and I'd like to quote extracts from the Manual of Military Law, Page 19, Section 17, which mentions:

"The criterion between desertion and absence without leave is intention."

Well, the Prosecution hasn't proved to the Court that Tpr. Edwards had an intention to desert. I would also refer the Court to Section 18 which covers evidence of intention not to return. Again, the Prosecution has not proved that the accused had no intention of returning.

The third one is the distance. Now Tpr. Edwards didn't go down south of the border nor down to the west coast. He stayed right there in Toronto.

JUDGE ADVOCATE :- There is no evidence of where he stayed. You can't say any more than that he was arrested in Toronto.

DEFENDING OFFICER :- Well, sir, the distance doesn't prove that he was a deserter. The next point I would refer the Court to is Section 56, para. 2 on Page 484 which says that an accused charged before a Court-Martial with desertion may be found guilty of absence without leave.

With regard to the 2nd charge, I would say, sir, that in view of the evidence of the shoes being in the possession of the RCAC School they should be deleted from the Charge Sheet and the accused not charged with them.

- - - -

jcdc

M.F.B. 355
7IM—8-43 (113)
H.Q. 1772-39-420
A.F.B. 295

49

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
SB 105473	Trooper	EDWARDS. W.G.	1 Armd Regt (RCD)

1. The following is a fair and true summary of the entries in the Field [redacted] Conduct sheets [redacted] of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For AA.Sec.40.	1 time	1 AA.Sec.40 1 time
For	times	times
For	times	times
For	times	times

Number of instances of gallantry or distinguished conduct Nil

[redacted]

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

2. The accused has not been previously convicted [redacted] AFA 73 [redacted]

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

[redacted]

4. The accused has been in confinement awaiting trial on the present charges, for Nil RH days in civil custody, and 23 RH days in military custody, making a total of 23 RH days in custody, of which Nil RH days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 21 years

6. The date of his [redacted] attestation specified in his [redacted] attestation paper is 27 Dec 1946

7. The service which the accused is allowed to reckon towards discharge is 1 yr 1 12 days RH

8. The accused is entitled to reckon 812 RH service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no [redacted] military [redacted] military [redacted] military [redacted] Air Force [redacted]

50

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit dated , and in his regiment (or corps) the rank of dated .

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of years.

In the rank of years.

In the rank of years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

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, Number Rank Air Force Unit Name of Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

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 3rd 9th day of January 1948. (J.S. Paisley) Captain, Adjutant, 1 Armd Regt (RCD)

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 proceedings.

Officer having custody of original documents.

M.F.M. 6

Date of Birth 23 FEB 26

Reg. No. SE 105473 Name EDWARDS. William Gordon Corps RCAC

Date of enlistment or enrolment 27 DEC 46

Signature O.C. Company, etc Sgd. P. P. Rodey. Major
O.C., No.2 District Depot CA(AF)

Sheet No. One of *1, 2, 3, 4, 5

*Place check mark against number of sheets in use.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order disposing with trial	By whom awarded	Remarks
Camp Borden, Ontario	12 Apr 47	Tpr		AA SEC 40 Neglect to the Prejudice of etc., neglected to shave on the morning of 12 Apr 47.	Sgt. Waugh. K.G. Cpl. Murray L.A.J.	7 days C.B.	12 Apr 47	M.H. Bateman Major.	

CERTIFIED TRUE COPY:

(J.S. Paisley) Captain,
Adjutant,
1 Armd Regt (RCD).

Officer having custody of original documents.

J.S. Paisley Major
Secs. - DCM.

J.C. Campbell Major
Judge Advocate

(P.T.O.)

F.M. 6—500M—8-44 (5186)
H.Q. 1772-53-1652

J.C. Campbell Major Judge Advocate

J.W. Johnston Major Pres. DCM

- N -

FINAL ADDRESS BY DEFENDING OFFICER :-

Sir, I have here some documents which I would like to present to the Court. Before that, though, I would like to read parts of them.

First, Tpr. Edwards was hit over the head with an axe at the age of eight. That was found at Sunnybrook Hospital by J.M. Rae, MD, Neuropsychiatrist. Then we have here: "Grade 8 Education at 14." "Admits of dissatisfaction with the Army. Doesn't know why ever re-enlisted. Doing general duties now. 'Would be no good in a battle this way. Feel like I'm going nuts,'" quoting Edwards. It goes on: "Impression: Functional headaches - not migraine. All out 'something-to-be-done.' Typical hysterical 'it's-up-to-you-Doc'attitude." And the recommendation by Dr. Rae is: "Would recommend boarding M1 S5 as solution in this case." (presents documents to Court.)(Read by the Court, marked Exhibits "N-1","N-2","N-3","N-4","N-5","N-6", and attached to the proceedings.)

In addition I would like to state that if we look at the dates of these medical examinations we see that some took place in May. In April he was sent back here with strong recommendations for immediate discharge because this man was not considered fit for the Army and yet in August when he went AWL nothing had been done. So I think what we should do to Tpr. Edwards is send him before a board and get him out of the Army. He is no good to us and we don't want to have him. If he does go before a medical board I think he will be found what the doctors think he is. I think the best solution would be to have Tpr. Edwards pay for his kit and go before a board, and if the board finds that he is unsound he can be discharged immediately.

- - -

DOMINION OF CANADA — MEDICAL SERVICES

Serial No. "N-1" 55
in A. and D. Book

CASE HISTORY SHEET

Instructor major Res - OCM

I. Hospital Camp Borden Station Hospital Force Army

Active F. No. SB 105473 Rank Tpr. Unit or Ship RCD
Reserve F. No. Rank Unit or Ship
C.E.F. No. Rank Unit or Ship
Others Rank Unit or Ship
Surname EDWARDS Christian Names W.G.
Address Total Service (Mos.)
Age 20 Trade Religion Relationship
Next-of-Kin
Address
Admitted direct (as transfer) from Unit Date 15 Apr 47 Class

W.G. Campbell major Judge Advocate

Disposal of Case: Discharged to (Duty, [redacted]) Date 19 APR 47 Class
Transferred to Date Class
Condition on Discharge (or transfer) Cured Days in Hospital
Final Diagnosis Cellulitis heel 1202

II. Admission Note:

Infected bilister And local adenitis

Provisional Diagnosis:

Signature of Admitting Officer.

III. History and Physical Examination (in chronological order) Date

Three (3) days penicillin therapy, have cleared up infection and patient is now well and may be discharged

C.W. Wells Capt.

CERTIFIED TRUE COPY
J.S. Lansley capt adj

Date

Medical Officer i/c Case.

P. & H. 100
R.C.A.F. M. 33—210M—7-43 (2383) H.Q. 883-M33
Militia M.F.B. 313A—200M—7-43 (1222) H Q 1773-30-430—Vol. 3
R.C.N. M. 2000—10M—8-43 (1615) N.S. 94-1-30

J.J. Hamilton Major N-2 57
Pres - DCM.

Sunnybrook Hospital,
Toronto, 12, Ontario.

7 May 47

J.C.L. Campbell Major
Judge Advocate

EDWARDS, Wm. G. SB 105473
R.C.A.C. School, Camp Borden

May 7/47 Referred to Neuropsychiatric Clinic by Dr. Kane, Ear Nose and Throat Department following complete but negative E.N.T. examination including x-rays.

This old finding re rt. frontal shadow appears misleading as now this sinus is reported as absent.

Complains of periodic headaches for 4 yrs - bad since 3 - 4 months ago. Got hit on head (rt frontal) by a block of wood while at work 4 months ago - lighted up old trouble. Hit with axe there when a child of 8.

Came over frontal region - back over top of rt ear to mastoid region - may go away for 2 months and then recur. This one has been continuous for 2 weeks. Drugs no help. "Like a pressure on inside". Bending shows, drinking, cold fluid aggravates it. Relieved somewhat by 217. Gets worse on lying down.

He thinks "there must be a pressure there" No nausea or vomiting. No fits or convulsions, No paraesthesiae. No aura. sudden onset no visual disturbances.

Grade 8 education at 14.

Admits of dissatisfaction with the Army. Doesn't know why ever re-enlisted. Doing general duties now. "Would be no good in a battle this way. Feel like I'm going nuts". Denies family, financial, girl friend problems."

IMPRESSION: Functional headaches - not migraine. Quite opinionated and at first resistive to explanation, or advice. All out "something to be done". Typical Hysterical "it's up-to-you-Doc attitude".

DIAGNOSIS: Psychogenic Headaches.

RECOMMENDATION: Would recommend boarding M1 S5 as solution in this case.

J.M. Rae, M.D.
Neuropsychiatrie.

mjm

CERTIFIED TRUE COPY

J.C.L. Campbell Capt Judy

N-3-59

DOMINION OF CANADA — MEDICAL SERVICES

Serial No. in A. and D. Book

CASE HISTORY SHEET

Johnston Major
Pres - DCM

I. Hospital TORONTO MILITARY HOSPITAL Force C.A. (AF)

Active F. No SH 105473 Rank Tpr. Unit or Ship R.C.A.C. School
Reserve F. No. Rank Unit or Ship Camp Borden
C.E.F. No. Rank Unit or Ship
Others Rank Unit or Ship
Surname EDWARDS Christian Names W.C.
Address
Age 20 Trade Religion Prot. Total Service (Mos.)
Next-of-Kin Relationship
Address
Admitted direct (as transfer) from Date 9 May 47 Class

J.C. Campbell Major
Judge Advocate

Disposal of Case: Discharged to (Duty, Medical Board, Home, Sick Leave, Died) Date 12 May 47 Class
Transferred to Unimproved Date Class
Condition on Discharge (or transfer) Days in Hospital 3
Final Diagnosis Psychogenic Headaches 0827

II. Admission Note:

Sinusitis (frontal)

Provisional Diagnosis:

Capt. Riddell

Signature of Admitting Officer.

III. History and Physical Examination (in chronological order) Date

Patient referred down for sinusitis. Referred to Psychiatrist

C.S.H. History see CSH sheet

11 May 47 Complains about feet aching, no definite findings
A.R. Riddell, Capt.

12 May 47 Transport available. Discharge

UNIMPROVED. RETURN TO UNIT FOR DISCHARGE

CERTIFIED TRUE COPY

Jo Bailey Capt adj

Date 12 May 47

A.R. Riddell, Capt.

Medical Officer i/c Case.

P. & H. 100
R.C.A.F. M. 33—22516—7-43 (5383) H.Q. 885-M33
Militia M.F.B. 313A—400M—7-43 (1277) H Q 1272-39-436—Vol. 1
R.C.N. M. 2000—100M—5-43 (1611) N.S. 24-1-39

"N-4" - 61

DOMINION OF CANADA — MEDICAL SERVICES

Serial No. in A. and D. Book

CASE HISTORY SHEET

Lieutenant Major. Pres - DCM

I. Hospital Camp Borden Station Hospital Force Army

Active F. No. SB 105473 Rank Tpr. Unit or Ship RCAC School
Reserve F. No. Rank Unit or Ship
C.E.F. No. Rank Unit or Ship
Others Rank Unit or Ship
Surname EDWARDS Christian Names W.G.
Address
Age Trade Religion Total Service (Mos.)
Next-of-Kin Relationship
Address
Admitted direct (as transfer) from Date 16 May 47 Class

J.C. Caulfield Major Judge Advocate

Disposal of Case: Discharged to (Duty, Medical Board, Home, Sick Leave, Died) Date Class
Transferred to Date Class
Condition on Discharge (or transfer) Unchanged Days in Hospital
Final Diagnosis Sinunitis X 0625

II. Admission Note:

Sinunitis.

Provisional Diagnosis:

C.W. Wells Capt.
Signature of Admitting Officer.

III. History and Physical Examination (in chronological order) Date

Rx (1) Nasal spray (20 A.P.C. Tabs 2 Q H
(3) Psycho Theraphy (4) Elxis Trèple bromide B.I.D.

Admission Note. Admitted several times during past three months w with headaches. Xray shows absence of fracture, sinus on left side, but no definate evidence of infection. This man has been referred to Toronto and returned with diagnosis of Psychoneurim. May be discharged tomorrow.

C.W. Wells Capt.

CERTIFIED TRUE COPY
Jos Paisley Capt + adj

Date 22 May 47

Medical Officer i/c Case.

P. & H. 100
R.C.A.F. M. 33—120M—7-43 (3240) H.Q. 845-M33
Militia M.F.B. 313A—50M—7-43 (1227) H Q 1772-39-439—Vol. 3
R.C.N. M. 2000—100M—8-43 (1613) N.S. 24-1-50

N-5-63

Instructional Major
Pres - DCM

7 January 1948
Camp Borden Station Hosp.,
Camp Borden, Ontario.

J.C. Campbell Major
Judge Advocate.

SB 105473 Tpr EDWARDS, W.G.

The m/n was seen today, at request of Lieut P.C.M. MEUNIER, regarding psychiatric appraisal.

He is apparently a poorly-adjusted, emotionally immature individual with a very poor family background. There were 6 other children and his family lived in straightened circumstances with constant quarrelling being the rule at home. He ran away from home at the age of 13, he states, using some money he had saved as a delivery boy for a local store in Toronto. Spent some 2 weeks in Quebec city, at the end of which time he returned to his home in Toronto. This was the first of many such incidents. His work record has been similarly erratic and he admits that he left several good jobs because his superiors were "riding" him. "They wouldn't leave me alone. I can't stand that. I've punched lots of guys in the mouth for riding me."

He enlisted in the army in November 1942 at the age of 15 and after his true age was discovered he was discharged in August 1943. Re-enlisted 11 April 1945 and after completing basic and advanced infantry training was discharged 24 Sep 1945 under 1029 (5) (c) (i). Re-enlisted 27 Dec 46 and has had only general duty postings.

Much of his period in the army has been spent on sick parades or in hospital. He has complained for some time of severe headaches for which no organic basis was found. On 25 May 1947 he was referred to Toronto for psychiatric appraisal. No record of this consultation is available here, but EDWARDS states he saw the psychiatrist who told him his headaches were psychogenic in origin because of his dissatisfaction in the army (EDWARDS was most eager to have "a course" in something---almost anything). He says, further, that he was told he would be better when he received his discharge, promised by August 1947.

The childhood insecurity and rebellion toward authority has been carried over into adult life by this individual. His picture is complicated by a severely limited intelligence. He reacts on impulse because he lacks the ability to foresee and reason through the consequences of an act. There is, however, no evidence at present of drug addiction, of alcoholism, or of delusions or hollucinations which might indicate a major psychsiatric upset.

PROVISIONAL DIAGNOSIS: Psycopothic personality, inadequate type.

SUGGEST: Psychiatric appraisal for "S" grading. It is not felt that this man will prove to be a good soldier, but will continue to manifest the erratic behaviour outlined above. It is felt that army discharge

P.T.O.

on psychiatric grounds in justifiable.

Signed

J H Evans Capt

(J.H. EVANS) Capt,
R.C.A.M.C.

Certified True Copy

P.C.M. Meunier

(P.C.M. MEUNIER) Lt,
1 Armd Regt (RCD).

N-C Montreal May 15
Pres - DCM

DOMINION OF CANADA—MEDICAL SERVICES

CASE SHEET (SPECIALIST REPORT)

Referred by: C.M. Wells Capt. Date 30 Apr 47

No. [redacted] 105473 Rank Tpr. Name Edwards, F.G.

Address Camp Borden. Age

Unit or Ship RCAC School Trade Class or Category

Referred to: ENT Con TMH Profile Army

Air

YOB	P	U	L	H	E	M	S

History and Physical Findings (to be filled out by M.O. i/c. case)

Recurrent frontal headaches with frequent head colds suggests chronic sinusitis.

SUGGESTED PULHEMS

YOB	P	U	L	H	E	M	S	DOE

Opinion Requested Re: Treatment

Type of Case—Ambulatory, Wheelchair, Stretcher, Bed M.O. Signature C.W. Wells Capt.

CONSULTANT'S REPORT

Hospital Chorley Park, Toronto Military Hospital Report No.

X-Ray No.

CC Bifrontal headaches 4 yrs. Headaches worse past 5 mos. Referred to right temporal and occipital region. Pressure of cap band gives him local pain. Dimmition of hearing right 5 days, associated with right otalgia. Had right frontal injury as child, blow with an axe. Develops similar headaches in movies with reading, comes on slight shortly after rising and eating cold foods, such as ice cream or food. Slight bilateral nasal obstruction. No nasal discharge. No allergy. No family history of headaches. X ray of sinuses Camp Borden 5 days ago, no report. Headache aggravated by postural change also with emotional upsets. X Ray Camp Borden: Cloudiness right frontal sinus. Hyperlacrimation (right) with headaches.
P/E: Septum slight deviation to right. Turbinates normal. Pharynx-- slight mucopurulent discharge. Tonils moderate in size with enlarged crypts. Deep cervical lymph nodes palpable. Nasopharynx --examination inadequate. Transillumination -- all sinuses clear. M.T. Slightly thickened and retracted (bilaterally)
X Ray of sinuses: All sinuses clear.

APPROVED PULHEMS

YOB	P	U	L	H	E	M	S	DOE

DISABILITY	CODE

Diagnosis

Is this man fit for his duty?

Recommendation

Date (Specialist's or Consultant's Signature)

P. & H.—117A
R.C.A.F. M 94
M.P.B. 1479—500M—12-43 (3140) H.Q. 1772-39-1437
R.C.N. M. 2004

USE REVERSE SIDE IF ADDITIONAL SPACE IS REQUIRED

66

5 May 47: Right frontal absent, replaced by fronto ethmoid cell.

Procedure: Cotton tipped applicator soaked in 5% cocaine placed in region of right sphenopalatine ganglion. Headaches began to diminish in about 1 minute and then became worse.

OPINION: There is no pathology in the ear, nose and throat that would account for this patient's headaches.

Suggest: Returned to Neurologist.

LA Kane, MD

CERTIFIED TRUE COPY

Jos Parsley Capt adj

MEDICAL OFFICER'S REPORT

I certify that No. SB 105473 Tpr. Edwards, W.G.

of 1 armd Regt (RCD) is in a good state of health,

and Fit to undergo Trial by Court martial.

Medical Offiter
Camp Borden Station Hospital

Station Camp Borden, Ont.

Date 9 Jan. 48

CAMP BORDEN
ORDERLY
JAN 9 19[illegible]
ROOM
STATION [illegible]

M. F. B. 246
50M—12-43 (3222)
H.Q. 1772-39-480

SUMMARY OF EVIDENCE

in the case of

SB 105473 Trooper William Gordon EDWARDS, RCAC,

Charged with:

(1) DESERTION

(2) LOSS BY NEGLECT

THE COMMANDING OFFICER DIRECTS THAT THE EVIDENCE BE TAKEN UPON OATH.

FIRST WITNESS:

SH 63565 Sgt. JESSOP, R. A., RCAC School, Camp Borden, Ontario, having been duly sworn, states:

"I am SH 63565 Sgt. JESSOP, R. A., RCAC School, Camp Borden, Ontario. On the 18th of August, 1947, I was Orderly Sergeant of Admin. Wing, RCAC School, and on checking the place of duty of SB 105473 Tpr. EDWARDS, W. G. at 1500 hours, found him to be absent. I then searched his barrack room and school area and failed to find him. I subsequently turned in an Absentee Report on the morning of August 19, 1947, Sir."

R. A. Jessop

SH 63565 Sgt. JESSOP, R. A.,
RCAC School,
Camp Borden, Ontario.

The accused declines to cross-examine this witness.

SECOND WITNESS:

ZH 206 Captain W. D. LITTLE, Adjutant, Royal Canadian Armoured Corps School, Camp Borden, Ontario, having been duly sworn, states:

"I am ZH 206 Captain W. D. LITTLE, Adjutant, Royal Canadian Armoured Corps School, Camp Borden, Ontario, and have been so since 1 Oct 46. As Adjutant, I have had possession of regimental books and documents pertaining to the accused, SB 105473 William Gordon EDWARDS, attached to the Royal Canadian Armoured Corps School

SECOND WITNESS: (Continued)

from 1st Armoured Regiment (Royal Canadian Dragoons). I present the following certified true documents pertaining to the accused, "Record of a Declaration of a Court of Inquiry," assembled at Camp Borden, Ontario, on the 9th Sep 47, which declared that Tpr Edwards illegally absented himself without leave from 1500 hours, 18th day of August, 1947, and that he was still so absent on the 9th day of September, 1947. He was deficient of articles valued at $16.09. The Declaration is signed by the President, Lieut T. M. Sample, Royal Canadian Armoured Corps School, and also signed by the Acting Commanding Officer."

W. D. Little

ZH 206 Capt. W. D. LITTLE,
Adjutant,
RCAC School, Camp Borden, Ontario.

Record of the Declaration of a Court of Inquiry presented by ZH206 Capt W. D. Little, marked Exhibit "A" R.Ct.

The accused declines to cross-examine this witness.

THIRD WITNESS:

SP 1035 SQMS CROFT, J. E. 1 Armd Regt Royal Canadian Dragoons, Camp Borden, Ontario, having been duly sworn, states:

"I am SP 1035 SQMS CROFT, J. E. SQMS "A" Squadron 1 Armd Regt Royal Canadian Dragoons, at Camp Borden, Ontario. As SQMS I was in Q.M. Stores on 19 December 1947 when SB 105473 Trooper Edwards, W. G. was paraded in, in Army coveralls provided by M2 Military Detention Barracks. He did NOT have any military articles of clothing nor regimental necessaries and was still deficient articles and regimental necessaries as shown in the Record of Declaration of a Court of Inquiry dated 9 September 1947 signed by W. D. Little Captain and Adjutant of Royal Canadian Armoured Corps School, Camp Borden, Ontario."

J E Croft

SP 1035 SQMS CROFT, J. E.,
"A" Squadron,
1 Armd Regt (RCD).

The accused declines to cross-examine this witness.

FOURTH WITNESS

ZB 2716 Captain J. S. PAISLEY, Adjutant, 1 Armd Regt Royal Canadian Dragoons, Camp Borden, Ontario, having been duly sworn, states:

FOURTH WITNESS (Continued)

"I am ZB 2716 Captain J. S. PAISLEY, Adjutant, 1st Armoured Regiment Royal Canadian Dragoons, Camp Borden, Ontario, and have been so since 1st October 1946. As Adjutant I have possession of the regimental books and documents pertaining to the accused, SB 105473 Trooper EDWARDS, W. G., whom I now recognize. Trooper EDWARDS was on strength of this Unit, but attached For All Purposes to Royal Canadian Armoured Corps School when he illegally absented himself. The Court of Inquiry which found Trooper EDWARDS had illegally absented himself at 1500 hours on 18th August 1947, was convened by the Officer Commanding, The Royal Canadian Armoured Corps School. On completion of the Court Trooper EDWARDS ceased to be attached For All Purposes whilst Absent Without Leave. Struck Off Strength entries on desertion were then carried out by 1st Armoured Regiment (Royal Canadian Dragoons). I present as evidence the following documents pertaining to the accused.

Certified true copies of 1st Armoured Regiment (Royal Canadian Dragoons Part II Daily Orders as follows:

Daily Order Part II No. 149 dated 15 September 1947, ceasing Trooper EDWARDS attachment For All Purposes to Royal Canadian Armoured Corps School.

Daily Order Part II No. 151 dated 19th September 1947, showing Trooper EDWARDS Struck Off Strength as a deserter.

Daily Order Part II No 1 dated 2nd January 1948, showing Trooper EDWARDS Taken On Strength from desertion and detailing costs of apprehension in the amount of One Dollar and Twenty Five Cents ($1.25).

I also present certificate of apprehension in accordance with Section 163 (1) (m) of the Army Act, showing Trooper EDWARDS was apprehended by the Toronto City Police at 1830 hours on 17th December 1947. Certificate is purported to be signed by Detective Robert McARTHUR, No. 6 Police Station, Toronto, Ontario."

J S Paisley Capt

ZB 2716 Captain J. S. PAISLEY,
Adjutant,
1st Armoured Regiment (RCD).

Certificate of Apprehension attached as Exhibit 'B' RH
Daily Order Part II No. 149 attached as Exhibit 'C' RH
Daily Order Part II No. 151 attached as Exhibit 'D' RH
Daily Order Part II No 1 attached as Exhibit 'E' RH

QUESTION BY THE ACCUSED

Q. 1 "What is the cost of apprehension?"

A. 1 "One dollar and twenty five cents ($1.25). The cost of one lunch at Barrie , Ontario, for the escort - said certificate showing this charge was submitted to this Unit by the escort SU 1889 WO II NELSON, F. R. of No. 16 S. I. S. Headquarters Central Command.

The accused has no further questions.

QUESTION TO THE ACCUSED:

Q. 1 "Do you wish to make any statement or give evidence upon oath? You are not obliged to say anything, or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

A. 1 "Yes, Sir, I had full intentions of returning to the army immediately after Christmas. Previous to going absent without leave, I suffered from headaches. On reporting sick to Camp Borden Station Hospital, I was sent to Chorley Park Military Hospital in Toronto for interview with a psychiatrist. From Chorley Park I was sent to Sunny Brook Hospital.

On interview with the psychiatrist, he recommended discharge. On returning to Camp Borden, nothing happened with reference to my discharge so nothing being done, I went Absent Without Leave to see if absence from the army would cure my headaches. Being away from the army, I felt much better though not completely relieved of my headaches."

Edwards. W. G.

SB 105473 Trooper EDWARDS, W. G.

I CERTIFY THAT THE FOREGOING SUMMARY CONSISTING OF FOUR PAGES WAS TAKEN DOWN BY ME IN THE PRESENCE OF THE ACCUSED AT CAMP BORDEN, ONTARIO, THIS 24th DAY OF DECEMBER 1947, AND THAT RULES OF PROCEDURE 4 (C), (D), (E), AND (F) HAVE BEEN COMPLIED WITH.

R. Haran Capt.

(R. HARAN) CAPTAIN,
1 ARMD REGT (RCD),
CAMP BORDEN, ONTARIO.

OFFICER DETAILED TO TAKE THE SUMMARY OF EVIDENCE.

H.Q.C. 55-E-360 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

ETMANSKI, RAYMOND ANTHONY SC.123492 PTE.

CONFIDENTIAL H.Q.C. 55-E-360

CENTRAL REGISTRY	DATE	P.A. OR D.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If space for which referred current be expressed on one line, add minute to file and enter here "With Minute")		
				JAG	NEW FILE CR 5-4-48		
				JAG			
				D Admin	To note + PA		6 5/48
				Pers Rlns	Cy + file plus		8 May 48
MAY 12 1948	11 May 48	PA		Recd			8 May 48
				Pers	WITH PAPERS SEP 14 1948		
				D Adm	minute place		15 9/48
				Pers Rlns	min in file		17 Sept 48
SEP 21 1948	20/9/48			Dhers.	Signature please		18 Sept 48

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently wanted at short intervals, it is better on D.F. if less than six sheets, or placed with other files if out of Central Registry indefinitely. This ensures it being consulted and kept in order, and also gives other persons knowledge of its whereabouts.

2. When a file is closed it should be sent to records branch. DON'T TAKE FILES HOME

HQC SC-123492
(Pers.RCOC)

OTTAWA - 18 Sep 8

Commandant,
26 Central Ordnance Depot,
OTTAWA - Ontario.

Discharge - Misconduct
SC-123492 Pte. Etmanski, R.A.

1. Reference is made to your letter 26 COD SC-123492 dated 13 Sep 48.

2. Authority is granted for the marginally named soldier to be discharged under the provisions of K.R. (Can) 372(XII) "for misconduct".

P. C. BLACK
LT.-COL.
DIRECTORATE OF ARMY PERS.

(A.G. Cherrier) Colonel,
Director of Army Personnel.

SEP 20 1948

CANADA

QUOTE NO. 26 COD SC-123492

Department of National Defence

NO. 26 CENTRAL ORDNANCE DEPOT - PLOUFFE PARK,
Ottawa, Canada, September 13, 1948

DIRECTORATE OF ARMY
SEP
OTTAWA CANADA
Referred
27152 SEP 14 1948
C55-6-27
File No
Chgd to

Director of Personnel, (Army Services)
Dept of National Defence,
Ottawa, Ontario.

Discharge - Misconduct
SC-123492 Pte Etmanski, R.A.

1. Application is hereby submitted for the discharge of SC-123492 Pte Etmanski, R.A., in accordance with K.R. (Can) Para 372 (XII). Certified true copies of MFM 6 for this soldier are attached.

2. Since Pte Etmanski was TOS No. 26 COD, he has been a perpetual source of trouble. He is stubborn, irresponsible and shows definite instability. Everything possible has been attempted to rehabilitate him as a soldier of the Canadian Army Active Force to no avail. He has been placed under the supervision of several competent Officers of this Unit from time to time and, in all cases, their reports indicate his unreliability. These variations in employment have included duties selected by Pte Etmanski himself, as well as an attachment to our Sub-Depot at Montreal where he was required to live in quarters. On the numerous occasions when this soldier was interviewed and informed of these unsatisfactory reports, explanations forthcoming were definitely inadequate.

3. In spite of his denials of misconduct, investigation has repeatedly disclosed the reports to be correct and, in some cases, misconduct of other natures was revealed. It seems difficult to secure facts from him by placing him under oath.

4. The services of a military psychiatrist were arranged for this soldier and the private report submitted by the Medical Officer concerned was not encouraging. Pte Etmanski currently is in receipt of a war pension for wounds received in action and it is recommended that, should he be discharged, the Department of Veterans Affairs give special attention to his rehabilitation.

5. Pte Etmanski's conduct after duty hours was again recently brought to the attention of 26 COD in a discussion with Colonel Cathcart (D. Adm). His misconduct could have resulted in very serious consequences and possible embarrassment to the Canadian Army. Verification of these facts may be had by contacting Colonel Cathcart.

H.A. Campbell

(H.A. Campbell), Colonel,
Commandant,
No. 26 Central Ordnance Depot.

To D Adm
Pls advise your recommendation
desired please.
15 Sept 48 for D Pers.

Attach

Pers RCOC
Concur in recommendation of Commandant 26 COD, that Pte Etmanski be discharged for misconduct K.R. (Can) 372 (XII) — Will speak on para 5 if necessary.

H.A. Cathcart
Colonel
D. of Adm.

SEP 17 1948

No. Def. A-168
M.O. 1772-30-376

No. Se123492 Name Raymond Anthony ETMANSKI Sqn., Battery, or Company } Corps RCOC Date of enlistment } 11 Apr 47 C.O. Badges } Tradesmen's Rates of Pay } W.D. A.M. G. (A.F.B. 1225) 60636—11-41 (3409) H.Q. 1772-35-1202

No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. Signature O.C. Company, etc. } (J.D. Hall) Major, OC S

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Ottawa	17 May 47 2	Pte		A.A. Sec 15(1) WOAS AWL from 0840 hrs. 17 May 47 until 0840 hrs 19 May 47. Total Time Absent - 2 Dys	S/Sgt. Kirk, J.	5 Days CB	19 May 47	Major T.K. MacIntyre	Auto Forf. 2 Days P & A P & A 286(A) Capt.
	July 47	Pte		A.A. SEC. 15(1) WOAS AWL from 0840 hrs 2 July 47 until 0920 hrs 11 Aug 47. TOTAL TIME ABSENT - 40 days 40 Mins - 41 Days	S/SGT. LaCroix, J.L.	14 Days DETENTION	29 Aug 47	Col. H.A. Campbell	Auto Forf 41 Days P&A P&A 286(A) Cost loss of Kit $21.39 Lt.

CERTIFIED TRUE COPY

(H.A. Campbell), Colonel,
Commandant,
No. 26 Central Ordnance Depot.

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
	27 Jan 48	Pte.	/	A.A. SEC 15(1) - AWL 1 Day	SC 21372 Cpl.Wilde R.I.	14 Days CB	31 Jan 48	Col. H.A. Campbell Commandant	Auto Forf 1 Days P&A P&A 286(A) Major.
OTTAWA ONT	12 Mar 48	Pte.	-	A.A. Sec 11, A.A. SEC 40 A.A. Sec 40	Documentary	Tried by DCM Awarded 40 days Det. Placed on stoppages of pay for $125.00	12 Mar 48	Col.M.P. Bogert Commander E.O.A.	Auto Forf 40 Days P&A P&A 286(c)(1) Auto Forf 59 Days P&A P&A 286(d)(1) Capt.

No. SC123492 Name ETMANSKI, R.A. Sqn., Battery, or Company — Corps RCOC — Date of enlistment 11 Apr 47 — C.I.C. Badges — Tradesmen's Rates of Pay — Character

No. and date of last drunk — Period not reckoning towards freedom from extra fine — Sheet No. — Signature O.C. Company, etc.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
#25 COD Mtl.	16 Aug 48	Pte.		AA Sec 15(1) AWL from 0745 hrs 16 Aug 48 till apprehn. by Regtl. Police HQ Ottawa at 1430 hrs 26 Aug 48 (Close arrest)	Cpl. Burt, J. Documentary	168 Hrs Det'n.	31 Aug 48	R.S. Hills, Lt.Col.	Aut.forf. 11 dys Close arrest 5 dys (1 day concurrent) Cost of appn $5.15 Capt.

CERTIFIED TRUE COPY

(H.A. Campbell), Colonel,
Commandant.
No. 26 Central Ordnance Depot.

(P.T.O.)

CENTRAL

H.Q. C-55-E-360
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No SC.123492 Name ETMANSKI, R.A.

Rank Pte Unit 26 Central Ordnance Depot

Charge AA 11 - NEGLECTING TO OBEY REGIMENTAL ORDERS

AA 40 - CONDUCT TO THE PREJUDICE ETC

AA 40 - CONDUCT TO THE PREJUDICE ETC

AA 15(1) - ABSENTING HIMSELF WITHOUT LEAVE - 1 Feb 48 to 3 Feb 48

Date of Crime 20 Dec 47

Date of Arrest 3 Feb 48 Charge Signed 13 Feb 48

Orders for D.C.M. 8 Mar 48

Place and Date of Trial 12 Mar 48, 26 COD, Ottawa

Sentence To undergo detention for 60 days and to be put under stoppages of pay in the sum of $125.00

Date of Confirmation 16 Mar 48

Date of Promulgation 24 Mar 48

Entered in Records of J.A.G. as No. 45129

Date 7 Apr 48

MEMO Finding on first charge not confirmed. Sentence mitigated to "To undergo detention for 40 days and to be placed under stoppages of pay until he has made good the sum of $125.00 with respect to the damage to the DND vehicle.

W M W Shaw Lt Col

for Judge Advocate-General

H.Q.C. 55-E-360 (JAG/O)

OFFICE OF THE JUDGE ADVOCATE GENERAL

May 6th, 1948.

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

DISTRICT COURT MARTIAL
SC-123492 Pte. ETMANSKI, R.A.

1. Receipt is acknowledged of the proceedings of the marginally noted District Court Martial which were forwarded under cover of your letter CC/SC 123492 (J) dated 3rd May, 1948.

2. The proceedings have been registered in our records as No. 46129 dated 7th April 1948 and have been retained for custody.

WMWS/MRP.

(R. J. Orde) Brigadier,
Judge Advocate General.

CC/SC 123492 (J)

L 231

HEADQUARTERS CENTRAL COMMAND

Ortona Barracks,
OAKVILLE, Ont.
3 May 48

..... REGISTERED

Office of the Judge Advocate General,
Dept. of National Defence,
OTTAWA, Ont.

Referred JAG.
MAY 4 1948
12694
File No. C55-E-360
Chgd to

DISTRICT COURT-MARTIAL
SC.123492 Pte. ETMANSKI, R.A.

Your HQC 55-E-360 (JAG/O) dated 16 Apr 48.

2. Enclosed herewith find proceedings of the marginally-noted District Court-Martial, duly amended as requested.

Encl.

J.C. Vokes Major-General
G.O.C., Central Command

A

Army Form A 9.

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

**Form of Proceedings for [redacted] District Courts-Martial.

Proceedings of a District Court-Martial held at 26 COD, Ottawa on the 12th day of March 19 48, by order of Colonel M.P. Bogert, DSO., OBE.,

Commanding Eastern Ontario Area

dated the 8th day of March 1948.

President.

ZF 123 Major R.F. McKay, MC., RCIC
Royal Canadian Regiment

Members.

ZP 1641 Captain J.P. Cook RCIC
Royal Canadian Regiment

ZF 857 Captain G.G. Taylor RCIC
3 Sec A & T Staff

20022 S/L S.L. Howell JAG Branch, AHQ Judge Advocate.

Trial of* SC 123492 Private Raymond Anthony ETMANSKI, 26 Central Ordnance Depot

Record of Courts-Martial kept in the office of the Judge Advocate-General, this 24 day of June 1948

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court

[redacted]

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

The accused is brought before the Court.

Prosecutor,† ZP 1827 Lieutenant V.W. Porter, RCOC, 26 Central Ordnance Depot.

[redacted] defending officer† ZL 2967 Lieutenant W.A. Hunter, RCOC, 26 Central Ordnance Depot.

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed 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.

Question by the President to the accused. Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over? Answer. No, Sir.

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

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

(2788) Wt.W2643/1141—45,000 pds. 11/46. K. & E., Ltd. O45/11. Forms A 9 &c.

"B 2"

FIRST CHARGE SHEET

THE ACCUSED, SC 123492 PTE RAYMOND ANTHONY STMANSKI (RCOC), NO 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, A SOLDIER OF THE CANADIAN ARMY, IS CHARGED WITH:-

FIRST CHARGE
Section 11
Army Act

NEGLECTING TO OBEY REGIMENTAL ORDERS

in that he

on 20th December, 1947, on or about 1610 hrs, did proceed from No 26 Central Ordnance Depot, Plouffe Park, Ottawa, to Barry's Bay, Ontario, a distance of 100 miles, more or less, contrary to No 26 COD Daily Order Part I No 178, of 6th August 1947, which states:-

"Personnel proceeding beyond an 18 mile radius of the Depot must be in possession of a pass."

SECOND CHARGE
Section 40
Army Act

AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

at No 26 Central Ordnance Depot, Ottawa, Ontario, on 20 and 21 Dec 47, improperly used DND Vehicle No 77-934 for his own purposes, that is to say, to drive from said Depot to Barry's Bay, Ontario.

THIRD CHARGE
Sec 40
Army Act

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

at Barry's Bay, Ontario, on 20th December, 1947, on or about 2300 hrs, so negligently drove DND Vehicle 77-934 as to cause it to collide with a telephone pole and fence, thereby causing damage to the said vehicle of $483.58.

.....
(H.A. Campbell)Colonel,
Commandant,
No 26 Central Ordnance Depot,
Ottawa, Ontario.

13 Feb 48

To be tried by a district court-martial

(F N Ovens) Lt Col
AA & QMG
Eastern Ontario Area

8 Mar 48

The accused is found guilty of all charges in the first charge sheet.

SECOND CHARGE SHEET

The charge sheet is signed by the President, marked B3 and annexed to the proceedings.

The accused is arraigned upon the charge in the second charge sheet.

Q.6 Are you guilty or not guilty of the charge against you which you have just heard read?

A.6 Guilty, Sir.

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

PROCEEDINGS ON PLEA OF GUILTY

The accused is found guilty of the charge in the second charge sheet.

The summaries of evidence are read, marked "G" and "H" respectively, signed by the President and attached to the proceedings.

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

A. 7 Yes, through my Defending Officer, Sir.

(SEE DOCUMENT MARKED "I" ATTACHED TO THE PROCEEDINGS).

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

A.8 No, Sir.

"B3"

ELECTED TO BE TRIED BY COURT MARTIAL UNDER ARMY ACT 46(8)

SECOND CHARGE SHEET

THE ACCUSED, SC 123492, PTE RAYMOND ANTHONY ETMANSKI, RCOC, No 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, A SOLDIER OF THE CANADIAN ARMY, IS CHARGED WITH:-

ABSENTING HIMSELF WITHOUT LEAVE

FIRST CHARGE
Section 15(1)
Army Act

in that he

at No 26 Central Ordnance Depot, Ottawa, Ontario, when confined to barracks, absented himself without leave from defaulters' parade at 1400 hours 1 Feb 48, until he surrendered at 1350 hours on 3 Feb 48.

(H.A. Campbell) Colonel,
Commandant,
No.26 Central Ordnance Depot

13 Feb 48

To be tried by a district court-martial

(F N Ovens) Lt Col
AA & QMG
Eastern Ontario Area

8 Mar 48

E

Finding.*

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

[redacted]

Proceedings on Conviction *before Sentence.*

*When the Court is already open this sentence will be struck out. Evidence of character, &c.

[redacted] ZP 1827 Lt. V.W. Porter, RCOC, 26 Central Ordnance Depot, is duly sworn.

Question by the President. Q.9 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.9 Yes, MFB 355 and MFM 6

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

Question by the President. Q.10 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.10 Yes, Sir.

Question. Q.11 Have you compared the contents of the above statement with the regimental books? *Answer.* A.11 Yes, Sir.

Question. Q.12 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.12 Yes, Sir.

[redacted]

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

The Defending Officer declined to cross examine.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS UNNECESSARY TO COMPLY WITH R.P. 83(B).

THE WITNESS TAKES HIS SEAT.

Question to the accused. Q.13 Do you wish to address the Court? *Answer.* A.13 I would like to say that I am in receipt of a 5 percent disability pension [redacted] from the Canadian Army for an ulnar nerve lesion of the right arm as a result of shrapnel wounds received in action.

(The Court confirms this information from the accused's personnel history file).

The Court is closed for consideration of the sentence.

F

Sentence.

The Court sentence the accused 5C 123 492 Private Raymond Anthony Chmarski, to undergo detention for sixty days and to be placed under stoppages of pay until he has made good the sum of one hundred and twenty-five dollars with respect to the damage to the D N D vehicle

Sentence.
Detention 60 days
Stoppages of pay $125.00

dated at No. 26 Central Ordnance Depot Plouffe Park, Ottawa, this 12th March 1948

D. G. Stowell
Judge Advocate Pt.

President

I do NOT confirm the finding of the Court on the first charge; but I confirm the finding on second and third charges and the sentence of the Court, but mitigate the sentence to read: to undergo detention for forty days and to be placed under stoppages of pay until he has made good the sum of one hundred and twenty-five dollars with respect to the damage to the DND vehicle.

Signed at Kingston, Ontario, this sixteenth day of March, 1948

W. P. Bogert, Colonel

* Promulgated by entry in Part II Order No. 77 dated the 24 day of March of No. 26 Central Ordnance Depot [redacted] extracts taken at Ottawa this 24 day of March 1948."

[illegible]

"G"

Pres. DCM

SUMMARY OF EVIDENCE

in the case of

SC 123492 Pte ETMANSKI, Raymond Anthony, (RCOC), No 26 Central Ordnance Depot, Ottawa, Ontario.

CHARGES:

(1) NEGLECTING TO OBEY REGIMENTAL ORDERS

(2) AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

(3) AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE.

The Commandant has directed that the evidence be taken on oath.

The accused has had explained to him his rights at the taking of evidence and he appears to fully understand the same.

Miss Doris Maitland, Civil Servant, No 26 Central Ordnance Depot, Ottawa, is duly sworn as shorthand writer.

FIRST WITNESS

SP-34915 WO I G.A. Lowe, (RCOC), No 26 Central Ordnance Depot, Ottawa, Ontario, having been duly sworn, states:-

' Pte Etmanski was detailed for duty on the morning of 20 Dec 47. His duties finished at 1300 hrs. During the evening of 20 Dec the Orderly Officer, WO I Millar, phoned to my home to say that the staff car, DND 77-934, was missing and that Pte Etmanski was reported to be driving the vehicle when it left the Depot. On Monday morning, 22 Dec 47, at 1050 hrs, Pte Etmanski phoned to say that he was at Barry's Bay and would it be possible to send a tow truck to bring in the vehicle. I asked what damage had been caused to the vehicle and Pte Etmanski replied that the front and side had been smashed. At this point I contacted Capt Reeves, who took over the conversation with Pte Etmanski. '

Q.1 ' You were Traffic and Transport Offr on 20 Dec 47? '

A. ' Yes. '

Q.2 ' As Transport Offr can you state whether Pte Etmanski had been detailed for duty after 1300 hrs, on 20 Dec 47? '

A. ' He had not been detailed for duty to my knowledge. '

Q.3 ' You have stated that Pte Etmanski phoned from Barry's Bay. Can you state approximately the distance from No 26 COD to Barry's Bay? '

A. ' I would say approximately 100 miles from here. '

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

G.A. Lowe

.....

(G.A. Lowe) WO I.

SECOND WITNESS:-

MR. J. MONIN, CORPS OF COMMISSIONAIRES, NO 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, having been duly sworn, states:-

' At 1610 hrs 20 Dec 47, when on duty at main door of No 26 Central Ordnance Depot, I saw Pte Etmanski driving out of the compound with a staff car. I immediately notified the Orderly Sgt, who was S/Sgt McCue, W. '

Q.1 ' Did you recognize this vehicle as being a DND vehicle? '

A. ' I did not recognize it myself. I was notified by the duty driver, Pte Pitcher, that the car that had just left was Staff Car No 77-934. '

Q.2 ' Did you know whether Pte Etmanski was on duty or not? '

A. ' No, I did not know. '

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

J. Monin

THIRD WITNESS:-

LIEUT A.B. FRENCH, NO 26 CENTRAL ORDNANCE DEPOT SUB-DEPOT, PETAWAWA, ONTARIO, having been duly sworn, states:-

' I am Lieut A.B. French, Officer i/c Petawawa Sub-Depot, No 26 Central Ordnance Depot. As a result of a phone call from Capt Reeves, No 26 Central Ordnance Depot, Ottawa, at approximately 1030 hrs, 22 Dec 47, I arranged with 209 Workshop, RCEME, for the despatch of a wrecker to Barry's Bay at 1330 hrs. Capt Reeves stated that he had received a phone message from Pte Etmanski at Barry's Bay. Capt Reeves also stated that he had given instructions to Pte Etmanski to remain at the Balmoral Hotel at Barry's Bay until arrival of an escort from Petawawa Sub-Depot. I was informed that DND Vehicle 77-934 was wrecked in Barry's Bay and to arrange for recovery of this vehicle.

Taking Pte Ralph to act as an escort, I left Camp via RCASC Staff Car, at 1330 hrs, and arrived at Barry's Bay at approximately 1530 hrs. We overtook the wrecker just outside the village and it dropped off at Coules Garage to take the wrecked car in tow.

.....

THIRD WITNESS:-
(Cont'd)

I proceeded to the Balmoral Hotel, but could not locate Pte Etmanski. I then went to the local Ontario Provincial Police Office. There I learned that Pte Etmanski would be found at the home of relatives in Killaloe. The Provincial Police gave me a copy of their accident report and advised me where the accident occurred. I then visited the scene of the accident at the corner of Inglis and Dunn Streets, Barry's Bay, and then returned to Coules' Garage.

I then proceeded to Killaloe, where I located Pte Etmanski in the house where the police stated he would be. He was advised that he was under arrest (at approximately 1700 hrs) and that Pte Ralph was his escort.

We then returned to Petawawa and arrived there at approximately 1930 hrs. Pte Etmanski was then turned over to the custody of Cpl Roffey, who had arrived from Ottawa.

Ontario Provincial Police at Barry's Bay advised that they would not be preferring charges against Pte Etmanski, in view of the fact that he was being turned over to the custody of the Army.

There was no damage to the telephone pole or any other property.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

A B French

.....
(A.B. French) Lieut.

FOURTH WITNESS:

CONSTABLE J.A. OLSHESKIE, BARRY'S BAY MUNICIPAL POLICE, having been duly sworn, states:-

' An accident was reported at approximately 2325 hrs on 20 Dec 47, at Barry's Bay, by Mr. Bert Kelly. It occurred at the intersection of Dunn and Inglis Streets in Barry's Bay. The width of Dunn Street is approximately 18' wide.

The vehicle was proceeding north on Dunn Street and drove off the road on the west side, through a ditch at the southwest corner of intersection of Dunn and Inglis, over Dunn Street, and again through ditch on the north side. The vehicle came to rest against a fence, after striking a telephone pole.

The ditch on the north side of Inglis Street is 15 ft from edge of road. The telephone pole is 18 ft from north side of road and a further 3 ft to the fence. '

Q.1 ' Did you investigate this accident? '

A. ' No, it was investigated by Provincial Constable Aldred, who reported the facts to me, as this accident occurred in an area under my jurisdiction.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

J.A. Olsheskie

.....

(J.A. OLSHESKIE).

FIFTH WITNESS:

MR. B.C. KELLY, BARRY'S BAY, having been duly sworn, states:-

' On December 20th at approximately 2300 hrs, I was proceeding north on Dunn Street and a vehicle passed my truck at a fast rate of speed. I noticed the vehicle was driving far over to my left in the direction of the ditch on the west side of the street. This vehicle went through the ditch on the southwest corner of intersection of Inglis and Dunn Sts, accross Inglis St and through the ditch on the north side. The vehicle glanced off a telephone pole and stopped upon hitting the fence on the north side of Inglis Street. I stopped my truck and went over to this other car. The driver, who I now recognized as Pte Etmanski, got out of his car and asked if I would tow him out. He stated that he had to be back in Petawawa by midnight to drive a Colonel to Toronto. I thought I had better report to the police before towing this car out. I contacted Constable Aldred, Ontario Provincial Police, at his home, who gave me instructions that if the damage was not too much, to arrange to have the car pulled out. I then contacted Coules' Garage and made arrangements to have the car towed away. '

Q.1 ' Was Pte Etmanski sober? '

A. ' I think he had been drinking, but he was walking steady and his speech was clear. He also showed me his credentials when I asked and attempted to wire a broken bumper.

Q.2 ' Can you estimate speed of vehicle as it was passing your truck? '

A. ' I would say about 50 or 60 miles an hour, as the car went through two ditches, which are 2 ft deep, and over Inglis Street. '

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

Bert Kelly
.....
Bert Kelly.

SIXTH WITNESS: SC 28678 WO II LEACH F.H., 209 WORKSHOP RCEME, PETAWAWA, having been duly sworn, states:-

' I am SC 28678 QMS (WO II) Leach, F.H., WO in charge of 209 Workshop, RCEME, Petawawa.
I hereby present estimate of repairs necessary to place DND Vehicle 77-934 in a serviceable condition. Repairs amounting to approx $483.58 will be necessary. '

Certified true copy of Estimate of Repairs dated 3 Dec 47 is read to the accused, marked Exhibit E, and is attached to this summary of evidence.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

F.H. Leach.....
(F.H. Leach) WO II

SEVENTH WITNESS: SP 35195 SGT BROOKS, L.F.J., 209 WORKSHOP, RCEME, PETAWAWA, having been duly sworn, states:-

' I am SP 35195 Sgt L.F.J. Brooks, of 209 Workshop, RCEME, Petawawa.

During the week of 22-29 December, 1947, I examined DND Vehicle 77-934. It had been damaged by collision and I estimated repairs to be approximately $483.58 in order to make the vehicle serviceable.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

L.J. Brooks
.....
(L.J. Brooks) Sgt.

EIGHTH WITNESS: ZP 1708 LIEUT M.E. SWORDS, RCOC, NO 26 CENTRAL ORDNANCE DEPOT, OTTAWA, having been duly sworn, states:

I am Administration Officer of No 26 Central Ordnance Depot, and as such have custody of regimental records.

I hereby present No 26 Central Ordnance Depot, RCOC CA(AF) Part I Order No 178, dated 6 Aug 47, para 2, which relates to the necessity of obtaining a pass for personnel proceeding beyond an 18-mile radius of Ottawa. This document is certified as a true copy by myself.

Certified True Copy of No 26 Central Ordnance Depot RCOC CA(AF) Part I Order No 178 dated 6 Aug 47, is read to the accused, marked Exhibit A, and is attached to the summary of evidence.

I also produce Part II Order No 45 dated 25 Apr 47, issued at No 26 Central Ordnance Depot RCOC CA(AF) Ottawa, Ontario, which Takes on Strength SC 123492 Pte Etmanski, Raymond Anthony, from No 3 District Depot, effective 25 Apr 47.

Certified true copy of Part II Order No 45 is read to the accused, marked Exhibit B, and is attached to this summary of evidence.

I also produce Part II Order No 84 dated 25 Jul 47, issued at No 26 Central Ordnance Depot, RCOC CA(AF), which indicates a strength decrease of SC 123492 Pte Etmanski, Raymond Anthony, SOS des having been decl illegally absent from 0840 hrs 2 Jul 47 by a Court of Inquiry held 24 Jul 47. Deficiencies of kit to the value of $23.89. Effective date 24 Jul 47.

Certified true copy of Part II Order No 84 dated 25 Jul 47 was read to the accused, marked Exhibit "C", and is attached to this summary of evidence.

I also produce Part II Order No 91 dated 13 Aug 47, issued at No 26 Central Ordnance Depot, RCOC CA(AF), which reveals a strength increase, taking on strength on re-joining from desertion from 0920 hrs. Cost of Apprehension - - Nil - SC 123492 Pte Etmanski, Raymond Anthony, RCOC. Effective date 11 Aug 47.

Certified true copy of Part II Order No 91 dated 13 Aug 47, issued at No 26 Central Ordnance Depot, was read to the accused, marked Exhibit "D", and is attached to this summary of evidence.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS

M.E. Swords

.....

(M.E. Swords) Lieut.

QUESTION TO THE ACCUSED

Do you wish to make a statement or to give evidence under 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.

ANSWER BY THE ACCUSED

I do not wish to make a statement under oath.

QUESTION TO THE ACCUSED

Do you wish to call in any witnesses on your own behalf?

ANSWER BY THE ACCUSED

No Sir.

SC-123492 Pte Etmanski R.A.

SC-123492, Pte Etmanski R.A.

I certify that the foregoing Summary of Evidence, consisting of eight (8) pages, was taken before me in the presence of the accused at No 26 Central Ordnance Depot, Plouffe Park, Ottawa, Ontario, on the 13th day of February, 1948, and that Rules of Procedure 4 (C), (D), (E), and (F) were complied with.

W.W. Porter Lt.

(V.W. Porter) Lieut.,
No 26 Central Ordnance Depot,
Ottawa, Ontario.
Officer detailed to take this
Summary of Evidence.

Ottawa, Ontario,
13th February, 1948

TRIAL OF

SC 123492 PTE ETMANSKI, RAYMOND, ANTHONY, (RCOC), No 26 CENTRAL ORDNANCE DEPOT, PLOUFFE PARK, OTTAWA, ONTARIO.

LIST OF WITNESSES FOR THE PROSECUTION

1. SP-34915 WO I G.A. LOWE, (RCOC) No 26 Central Ordnance Depot, Ottawa, Ontario.

2. Mr. J. Monin, Corps of Commissionaires, No 26 Central Ordnance Depot, Ottawa, Ontario.

3. Lieut A.B. French, No 26 COD Sub-Depot, Petawawa, Ontario.

4. Constable J.A. Olsheskie, Barry's Bay Municipal Police, Barry's Bay, Ontario.

5. Mr. B.C. Kelly, Barry's Bay, Ontario.

6. SC 28678 QMS (WO II) Leach, F.H., 209 Workshop, RCEME, Petawawa, Ontario.

7. SP 35195 Sgt L.F.J. Brooks, 209 Workshop, RCEME, Petawawa.

8. ZP 1708 Lieut M.E. Swords, RCOC, 26 COD, Ottawa, Ontario.

V.W. Porter
(V.W. Porter) Lieut.,
No 26 Central Ordnance Depot,
Ottawa, Ontario,
Officer detailed to take this
Summary of Evidence.

Ottawa, Ontario,
13th February, 1948.

TRIAL OF

SC 123492 PTE ETMANSKI, RAYMOND ANTHONY, (RCOC), No 26 CENTRAL ORDNANCE DEPOT, PLOUFFE PARK, OTTAWA, ONT.

LIST OF EXHIBITS FOR THE PROSECUTION

EXHIBIT "A"	-	Certified True Copy of No 26 Central Ordnance Depot RCOC CA(AF) Part I Order No 178, dated 6 Aug 47.
EXHIBIT "B"	-	Certified True Copy of Part II Order No 45 dated 25 Apr 47, issued at 26 COD
EXHIBIT "C"	-	Certified True Copy OF Part II Order No 84 dated 25 Jul 47, issued at No 26 Central Ordnance Depot.
EXHIBIT "D"	-	Certified True Copy of Part II Order No 91, dated 13 Aug 47, issued at No 26 Central Ordnance Depot.
EXHIBIT "E"	-	Certified True Copy of Estimate of Repairs dated 30 Dec 47, submitted by 209 Workshop RCEME, Petawawa Military Camp.

V.W. Porter Lt

(V.W. Porter, Lieut.,
No 26 Central Ordnance Depot,
Ottawa, Ontario.

Officer detailed to take this Summary of Evidence.

Ottawa, Ont.
13th February, 1948.

C O P Y

EXHIBIT "A"

PART I ORDER

ISSUED BY

COLONEL H.A. CAMPBELL

COMMANDANT

NO. 26 CENTRAL ORDNANCE DEPOT, RCOC, CA(AF)

Order No. 178,
d/6 Aug 47,
Ottawa, Ont.

Last Order Issued #177, d/5 Aug 47

1 DUTIES

(a) The u/m Offrs and NCOs are detailed for duty as shown:-

0900 hrs 6 Aug 47 to 0900 hrs 7 Aug 47 (Wed)

Orderly Offr	WO I Clarke, S.A. (3-3717)
Orderly NCO	S/Sgt. Lacroix, J.L.

0900 hrs 7 Aug 47 to 0900 hrs 8 Aug 47 (Thurs)

Orderly Offr	Capt. P. Sloane (3-8248)
Orderly NCO	Sgt. Reaume, J.

0900 hrs 8 Aug 47 to 0900 hrs 9 Aug 47 (Fri)

Orderly Offr	Lieut. D.B. Mulvie (5-0742)
Orderly NCO	Sgt. Marier, G.

(b) Canteen Orderly NCOs as detailed hereunder will report to O i/c Canteen for instrs at 1025 hrs the day detailed for duty:-

Cpl. Parent, R.	6 Aug 47 (Wed)
Cpl. Parent, R.	7 Aug 47 (Thurs)

2 PASSES

Personnel proceeding beyond an eighteen (18) mile radius of the Depot, must be in possession of a Pass.

3 CORPS OF COMMISSIONAIRES

(a) The JAG has ruled that if any member of the Corps of Commissionaires should, while operating a DND vehicle with permission or purported authority, become involved in an accident causing damage or injury to a third party, the Crown would be under no legal liability.

(b) Consequently, if a claim was made by such a third party, it would lie against the operator of the vehicle in his personal capacity, and in certain circumstances the Corps of Commissionaires itself might be made a party.

(c) In view of the foregoing, Corps of Commissionaire personnel are NOT permitted to drive DND Vehicles.

4 DENTAL APPOINTMENTS

The u/m personnel will parade at the Main Entrance #26 COD, at 1315 hrs Thurs 7 Aug 47, to proceed to #11 Dental Clinic. Tpt will be available. Cpl. Dewhirst, J. to be in charge of party.

Cpl. Dewhirst, J.
Cpl. Parent, R.
Cpl. Rock, T.J.
Cpl. Smith, H.J.
Cpl. Toomey, P.B.
Pte. Bowes, D.E.
Pte. Brazeau, J.A.L.
Pte. Coleman, G.B.
Pte. Paul, C.F.
Pte. Thibault, J.O.

(Signed N. Barrett) Lt,
for (H.A. Campbell) Colonel,
Commandant,
26 Central Ordnance Depot.

/DRN.

CERTIFIED TRUE COPY

7 Feb 48

(M.E. Swords) Lt,
Adm Offr - 26 COD.

4 STRENGTH DECREASE

(a) SOS des having been decl illegally absent from 0840 hrs 2 Jul 47 by a court of Inquiry held 24 Jul 47. Defeciencies of kit to the value of $23.89.	SC 123492	Pte	ETMANSKI, R. A.	RCOC	24 Jul 47

"C" MISCELLANEOUS

5 Cdn Army (A) Other Ranks

(a) Granted 14 days annual leave and 2 days travelling time.	SP 34936	S/Sgt	TURNER, A. L.	RCOC	7 Jul 47
(b) Ceases to draw sub allce	SP 34936	S/Sgt	TURNER, A. L.	RCOC	24 Jul 47
(c) SOS to No 7 DD (Pending Disc) (Auth: HQ 832-T-272 (Pers RCOC d/16 Jul 47)	SP 34936	S/Sgt	TURNER, A. L.	RCOC	24 Jul 47

6 Civilian Personnel

(a) TOS	Mr.	BARR William Labourer (Strmn NT)		17 Jul 47
(b) SOS	Mr.	LaFRANCE Wellington Labourer (Strmn NT)		15 Jul 47

CERTIFIED TRUE COPY

9 Feb 48 (M. E. Swords) Lt

Sgd N. Barrett Lt
for (H A Campbell) Colonel
Commandant
No 26 Central Ordnance Depot

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CERTIFIED TRUE COPY

9 Feb 48 (M. E. Swords) Lt

Sgd N. Barrett Lt
for (H A Campbell) Colonel
Commandant
No 26 Central Ordnance Depot

6 TRADESMEN'S QUALIFICATIONS (Cont'd)

(b) Reclassified Gp 1 (Strmn) (Auth: CARO 6579 amended by CARO 6732)	SC 94100	Cpl	BURGESS, C. E.	RCOC	1 Apr 47
	SC 96214	CPL	DALY, R. H.	RCOC	
	SC 15536	CPL	LABELLE, J. A.	RCOC	
	SP 35101	CPL	YOUNG, W. G.	RCOC	

7 SERVICE IN RANK

(a) Qual to count 2 yrs, 5 mos, 29 days paid service in rank of Cpl. (Auth:Para 70 P&A (Army))	SC 38043	Cpl	KRANCH, W. W.	RCOC	1 Oct 46
(b) CANCELLATION					
Qual to count paid service in rank as shown towards increase of pay. 2 yrs, 5 mos, 6 days. (Auth: Para 70 P&A (Army)) Para 4(a) DO 13, d/1 Nov 46)	SC 38043	Cpl	KRANCH, W. W.	RCOC	1 Oct 46

8 CLASSIFICATION & GROUPING OF PAY

(a) Completed 3 years in rank of Cpl. To draw increase of pay. (Strmn Gp 1) (Auth: Para 109 P&A (Army))	SC 38043	Cpl	KRANCH, W. W.	RCOC	2 Apr 47

9 MONTHLY ALLOWANCES

(a) Placed on Married Roll and granted Marriage allce of $20.00 P/M (Auth: Para 141 P&A (Army))	SC 94846	Pte	PITCHER, R. C.	RCOC	19 Apr 47

9 MONTHLY ALLOWANCES (Cont'd

(b) To draw Sub allce of $50.00 p/m (Auth: Para 150 150 P&A (Army))	SC 135561	A/Sgt	SMYE, H. B.	RCOC	25 Apr 47
(c) To draw Sub allce of $45.00 p/m, EFF dates as shown (Auth: Para 150 P&A (Army))	SC 123492	Pte	ETMANSKI, R. A.	RCOC	25 Apr 47
	SC 42270	Pte	HAGGART, R. G.	RCOC	23 Apr 47
	SC 40875	Pte	HALFPENNY, W. G.	RCOC	25 Apr 47
	SC 12570	Pte	LAMOTHE, L. E.	RCOC	20 Apr 47

10 NEXT OF KIN - Verification of -

(a) Mrs. Margaret Mary Claire Pitcher (Wife), 111 Irving Ave., Ottawa, Ont.	SC 94846	Pte	PITCHER, R. C.	RCOC	19 Apr 47
(b) Mrs. Victoria McKnight (Wife), 116 Le Breton Street, Ottawa, Ont.	SC 12169	Pte	McKnight, D. T.	RCOC	23 Apr 47

11 MARRIAGES, BIRTHS, DEATHS

(a) Married to Miss Margaret Mary Claire Sole, at Ottawa, Ont.	SC 94846	Pte	PITCHER, R. C.	RCOC	19 Apr 47

"C" ATT OFFRS - NIL

"D" ATT ORs - NIL

Sgd R. N. Brooks Capt
for (H A Campbell) Colonel
Commandant
No 26 Central Ordnance Depot

/DRN.

CERTIFIED TRUE COPY

9 Feb 48 (M. E. Swords) Lt

"A" OFFRS

1. STRENGTH INCREASE

(a) TOS from Special List, AHQ (Auth: CCA 4044 d/1 Apr 47)	ZP-2290	Lieut.	R.P. RICHARDS	RCOC	29 Mar 47

2. ATTACHMENTS

(a) Att FAP to Br of MGO, AHQ (Auth: K.7-R-1401 (A) d/3 Apr 47)	ZP.2290	Lieut.	R.P. RICHARDS	RCOC	29 Mar 47

3. COMMAND

(a) On comd to Westport, Ont., 1400 hrs					21 Apr 47
Off comd to Westport, Ont., 2030 hrs	ZC-705	Lieut	G.S. BLAKE	RCOC	
	ZC-2850	Capt	R.N. BROOKS	RCOC	22 Apr 47
(Auth: k 36-6-68-32 (G3), d/ 18 Mar 47)	ZB-2700	Capt	J. R. FENELON	RCOC	
	ZC-432	Lieut	D.B. MULVIE	RCOC	

"B" ORs

4. STRENGTH INCREASE

(a) TOS from No. 4 D.D. (Auth: Pers 742 RCOC d/16 Apr 47)	SC-12579	Pte	LAMOTHE, L. E. Clerk Dept.	RCOC	20 Apr 47

4 STRENGTH INCREASE (Cont'd)

(b)	TOS from No. 2 D.D. (Auth: CC/C42270 (SLAQ), d/ 15 Apr 47)	SC 42270	Pte	HAGGART, R. G. Strmn NT	RCOC	23 Apr 47
(c)	TOS from No, 3 D.D. (Auth: CC/SC123492 (SL2), d/ 16 Apr 47)	SC 123492	Pte	ETMANSKI, R. A. Strmn NT	RCOC	25 Apr 47
(d)	TOS from No. 3 D.D. (Auth: CC/SC40875 (SL2), d/ 16 Apr 47)	SC 40875	Pte	HALFPENNY, W. G. Clerk Dept	RCOC	25 Apr 47
(e)	TOS from No, 3 D.D. (Auth: Pers 451 RCOC d/18 Apr 47)	SC 135561	A/Sgt	SMYE, H. B. Strmn NT	RCOC	25 Apr 47

5 LEAVE

(a)	Granted 7 days Annual Leave, EFF dates as shown.	SC 58298	Cpl	COOK, H. J.	RCOC	24 Apr 47
		SC 94846	Pte	PITCHER, R. C.	RCOC	18 Apr 47
(b)	Granted 9 days Annual Leave	SC 15850	Pte	GALLIPEAU, D. J.	RCOC	24 Apr 47
(c)	Granted 3 days Annual Leave	SC 94287	CPL	PROULX, V.	RCOC	24 Apr 47

6 TRADESMEN'S QUALIFICATIONS

(a)	Reclassified Gp 2 (Strmn) (Auth: CARO 6579 amended by CARO 6732)	SP 35258	Cpl	SMITH, H. J.	RCOC	1 Apr 47

Last Prat II Order 90

Dated 11 Aug 47.

NO 26 CENTRAL ORDNANCE DEPOT, RCOC, CA(AF)

Issued By
COLONEL H.A.CAMPBELL
COMMANDANT

This Order No 91

Dated 13 Aug 47

Place Ottawa

"A" OFFICERS

1 ATTACHMENTS

(a) Att for R&Q to No 3 Coy RCEME CA(AF) Auth: Petawawa Mil Camp DO 38-40 d/10 Dec 46)	ZC-432	Lieut.	D. B. MULVIE	RCOC	9 Aug 47

2 LEAVE

(a) Granted 15 days annual leave and 3 days travelling time. (Auth: K.7.F.969 d/20 Jun 47)	ZC-2687	Lieut.	A. B. FRENCH	RCOC	13 Aug 47

"B" OTHER RANKS

3 STRENGTH INCREASE

(a) TOS on rejoining from Desertion at 0920 hrs Cost of Apprehension - Nil.	SC-123492	Pte	ETMANSKI, R. A.	RCOC	11 Aug 47

4 ATTACHMENTS

(a) ATT FAP from Central Med Stores. (Auth: Kingston A-1078 unclass, d/15 Aug 47)	SC-40754	A/Cpl	DRONFIELD, H.	RCAMC	1 Aug 47

5. LEAVE

(a) Granted 16 days Annual Leave	SC-15737	WO I	CLARKE, S. A.	RCOC	11 Aug 47
(b) Granted 5 days Annual Leave	SD-82519	Sgt	METAYER, P.	RCOC	13 Aug 47

6	HOSPITAL					
	(a) Disc from Rockcliffe Station Hosp	SC-32797	Pte	LADOUCEUR, J. A. N.	RCOC	9 Aug 47
7	CLASSIFICATION AND GROUPING OF PAY					
	(a) Upgraded Pte (Trained) To draw increase of pay. (Auth: Para 109 P&A (Army))	SC-135546	Pte	DONOVAN, L. C.	RCOC	11 Aug 47
8	MONTHLY ALLOWANCES					
	(a) To draw sub allce of $45.00 p/m (Auth: Para 150 P&A (Army))	SC-40754	A/Cpl	DRONFIELD, H.	RCAMC	1 Aug 47
		SH-62875	Pte	FARRELL, J. L.	RCOC	8 Aug 47
	(b) Ceases to draw sub allce of $50.00 p/m	SC-42287	Sgt	HICKEY, J. W.	RCOC	12 Aug 47
9	DETENTION					
	(a) Released from Detention	SH-62875	Pte	FARRELL, J. L.	RCOC	7 Aug 47
10	STRENGTH DECREASE					
	(a) SOS to Joint Air School (AC) Revers Manitoba. (Auth: A-7181 d/17 Jul 47)	SC-42287	Sgt	HICKEY, J. W.	RCOC	12 Aug 47

Sgd: N. Barrett Lt
for (H. A. Campbell) Colonel
Commandant
No 26 Central Ordnance Depot.

/WFR

CERTIFIED TRUE COPY

(M. E. Swords) Lt.

7 Feb 48

EXHIBIT E
APPX "C"

ESTIMATE OF REPAIRS

Date 30 December 1947.

D.N.D. NO 77-934 UNIT

TYPE PLYMOUTH MAKE Sedan MILEAGE 943

Estimated Cost of Repairs		Actual Cost	
Frame	86.25	CERTIFIED TRUE COPY	
Bushings for knee action	4.78		
Front bumper brackets	5.25	.....	
Sealed beam unit	1.65	(M.E. Swords) Lieut., Adm Offr.	
Hub Cap	1.72	13 Feb 48.	
Wheel right front	9.43		
Complete grill Assy.	38.43		
TOTAL	$147.58	TOTAL	
448 Hrs labour at 75¢ per hour	$336.00	____ Hrs labour at per hr 75¢	
TOTAL	$483.58	TOTAL	

Authorized by: (Sgd) (F.H. Leach), WO II
(F.H. Leach) WO II
209 Workshop RCEME
Petawawa Military Camp.

Certified Correct _____

Original to - Commander, Pet Mil Camp
Duplicate) - E.M.E. Workshop files
Triplicate)
Quadruplicate - O.C. Unit.

On completion of work, duplicate and triplicate copies to be completed with actual cost of repairs, and triplicate forwarded immediately to Commander, Pet., Certified Correct by S.E.M.E., Duplicate to be retained on E.M.E. files.

(Sgd) (A.B. French) Lt.

"H"

SUMMARY OF EVIDENCE

in the case of

PTE ETMANSKI, RAYMOND ANTHONY, NO 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO.

CHARGE

(1) ABSENTING HIMSELF WITHOUT LEAVE.

The Commandant has directed that the evidence be taken on oath.

The accused has had explained to him his rights at the taking of evidence and he appears to fully understand the same.

Mis Doris Maitland, Civil Servant, No 26 Central Ordnance Depot, Ottawa, is duly sworn as shorthand writer.

FIRST WITNESS

SC 94165 SGT K. McEVOY, No 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, having been duly sworn, states:-

' I was Orderly Sgt on Saturday, 31 Jan 48, when Pte Etmanski completed his duties on C.B. at 1400 hrs and 1900 hrs. On completion of his duties at 2130 hrs, I instructed him to report at 1400 hrs Sunday, 1 Feb 48 to Sgt Metayer, Orderly Sgt detailed for Sunday, 1 Feb 48.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

SC 94165 Sgt K. McEvoy

SECOND WITNESS

SD 82519 SGT METAYER P., No 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, having been duly sworn, states:-

' I relieved Sgt McEvoy K.R. on Sunday morning at 0900 hrs, 1 Feb 48. I got a phone call from RSM Benedict at 0910 hrs, stating that Pte Etmanski was to report to me at 1400 hrs that day, for CB duties. Pte Etmanski failed to appear for duty at 1400 hrs. At 0900 hrs 2 Feb 48, I made out MFB 273 Absentee Report. '

THE ACCUSED DECLINES TO CROSS THIS WITNESS

SD 82519 (P. Metayer) Sgt

THIRD WITNESS

SC 21372 CPL WILDE, R.I., No 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, having been duly sworn, states:-

' At approximately 1130 hrs 3 Feb 48, I received a phone call from Pte Etmanski, saying that he was reporting for duty at two o'clock. I came out of the office at 1350 hrs and Pte Etmanski reported to me for duty. Being his NCO, I thought I would turn him over to the proper authorities. Pte Etmanski requested to see Lieut Swords. Sgt Phelan, myself and Pte Etmanski then proceeded to Lieut Swords' Office. Prior to reaching Lieut Swords' office, RSM Benedict called me into his office. I then handed Pte Etmanski over to the RSM. '

Q.1 ' When Pte Etmanski phoned did he state where he was? '

A. ' He stated he was up town. '

Q.2 ' Did you report this phone call? '

A. ' No I didn't. I forgot about it as I was busy at the time. '

Q.3 ' In what state was Pte Etmanski when he surrendered to you? '

A. ' He had been drinking. '

Q.4 ' On what do you base this judgement? '

A. ' He was antagonistic. '

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

Cpl R. Wilde R.I.
SC 21372 CPL WILDE, R.I.

FOURTH WITNESS

SC 90431 SGT M. PHELAN, No 26 CENTRAL ORDNANCE DEPOT, RCOC, OTTAWA, ONTARIO, having been duly sworn, states:-

' I was Orderly Sgt on 3 Feb 48, when Pte Etmanski came in at 1400 hrs to the canteen. I was instructed by RSM Benedict to place Pte Etmanski under close arrest. Pte Etmanski came with me to RSM Benedict's office, spoke to RSM Benedict and from there we went downstairs to the main lobby. A jeep was ordered and an escort to take Pte Etmanski to the Rockcliffe Detention Barracks. '

Q.1 ' Was Pte Etmanski in military uniform? '

A. ' He was in uniform sir. '

Q.2 ' In what state was Pte Etmanski when he surrendered? '

A. ' From all appearances I would say Pte Etmanski had been drinking. '

Q.3 ' On what did you base this statement? '

A. ' You couldn't reason with him and he was antagonistic. '

.....

QUESTION BY THE ACCUSED

' Did I actually give myself up to you, Sgt Phelan? '

ANSWER TO THE ACCUSED

' No you didn't, as you had previously surrendered to Cpl Wilde. '

SC 90431 Sgt M. Phelan.

FIFTH WITNESS

SP 35202 RSM BENEDICT, G.S. No 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, having been duly sworn, states:-

' At approximately 1400 hrs, 3 Feb 48, I was notified by telephone by the Commissionaire on duty at the main entrance to No 26 Central Ordnance Depot, that Pte Etmanski had entered the bldg and was proceeding to the canteen. I instructed the Orderly Sgt, Sgt Phelan, to go to the canteen and to place Pte Etmanski under arrest. Pte Etmanski accompanied by Sgt Phelan and Cpl Wilde, came to my office. I ordered Sgt Phelan to take Pte Etmanski to the Depot Orderly Sgts' Room, which he did. '

Q.1 ' In what state was Pte Etmanski when brought to your office? '

A. ' I would say he had been drinking. '

Q.2 ' On what do you base this judgement? '

A. ' I could smell it off his breath. '

QUESTION BY THE ACCUSED

' Why was I not allowed to see Lieut Swords or Colonel Campbell when I asked? '

ANSWER TO THE ACCUSED

' Colonel Campbell and Lieut Swords were not available at the time. '

SP 35202 RSM Benedict, G.S.

SIXTH WITNESS:

ZP 1708 LIEUT M.E. SWORDS, RCOC, NO 26 CENTRAL ORDNANCE DEPOT, OTTAWA, ONTARIO, having been duly sworn, states:-

' I am Administration Officer of No 26 Central Ordnance Depot and as such have custody of regimental records.

I submit Part II Order No 12 dated 28 Jan 48, issued at No 26 Central Ordnance Depot, RCOC CA(AF), entry No 3(a), which reads as follows:-

3(a) "Absent without leave from 0730 hrs, SC 123492 Pte Etmanski, Raymond Anthony, RCOC, 27 Jan 48. '

3.(b) "Returned from AWL - SC 123492 Pte Etmanski, Raymond Anthony, 28 Jan 48."

Certified True Copy of No 26 Central Ordnance Depot, RCOC CA(AF) Part II Order No 12 dated 28 Jan 48, is read to the accused, marked Exhibit "A", and is attached to this summary of evidence.

I also produce Part II Order No 15 dated 2 Feb 48, No 26 Central Ordnance Depot, RCOC CA(AF)
Entry No 6(a) Returns from AWL at 0730 hrs, SC 123492 Pte Etmanski, R.A., RCOC, 28 Jan 48.

6(b) Cancellation - Returns from AWL (Para 2(b) DO 12 dated 28 Jan 48) SC 123492 Pte Etmanski R.A. RCOC, 28 Jan 48.

6(c) AWL from 1400 hrs, SC 123492 Pte Etmanski, R.A., RCOC, 1 Feb 48.

Entry No 12 Punishments

(b) Awarded 14 days CB for an offence under Sec 15 (1) A.A., AWL from 0730 hrs 27 Jan 48 to 0730 hrs 28 Jan 48. (Absent 1 day 0 hrs 0 mins). Forf 1 days P&A under Para 286(a) P&A Army. Total forf 1 days Pay. - SC 123492 Pte Etmanski, R.A. (RCOC) 31 Jan 48.

Certified True Copy of Part II Order No 15 dated 2 Feb 48, No 26 Central Ordnance Depot, RCOC CA(AF), is read to the accused, marked Exhibit B, and is attached to this summary of evidence.

I produce Part II Order No 16 dated 4 Feb 48, No 26 Central Ordnance Depot, RCOC CA(AF), Entry No 5, Absent Without Leave para 5 (c) Returns from AWL at 1400 hrs, SC 123492 Pte Etmanski, R.A.,RCOC, 3 Feb 48.

Certified true copy of Part II Order No 16 dated 4 Feb 48, No 26 Central Ordnance Depot, RCOC CA(AF), is read to the accused, marked Exhibit "C", and is attached to this summary of evidence.

THE ACCUSED DECLINES TO CROSS EXAMINE THIS WITNESS.

M.E. Swords Lt

ZP 1708 (M.E. Swords) Lieut.

QUESTION TO THE ACCUSED

Do you wish to make a statement or to give evidence under 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.

ANSWER BY THE ACCUSED

I do not wish to make a statement under oath.

QUESTION TO THE ACCUSED

Do you wish to call in any witnesses on your own behalf?

ANSWER BY THE ACCUSED

No Sir.

SC 123492 Pte Etmański, R.A.

I certify that the foregoing Summary of Evidence, consisting of five (5) pages, was taken before me in the presence of the accused at No 26 Central Ordnance Depot, Plouffe Park, Ottawa, Ontario, on the 13th day of February, 1948, and that Rules of Procedure 4 (C), (D), (E), and (F) were complied with.

V.W. Porter Lt

(V.W. Porter) Lieut.,
No 26 Central Ordnance Depot,
Ottawa, Ontario,
Officer detailed to take this
Summary of Evidence.

Ottawa, Ontario,
13 Feb 48.

TRIAL OF

SC 123492 PTE ETMANSKI, RAYMOND, ANTHONY (RCOC), No 26 CENTRAL ORDNANCE DEPOT, PLOUFFE PARK, OTTAWA, ONTARIO.

LIST OF WITNESSES FOR THE PROSECUTION

1. SC 94165 Sgt K. McEvoy, No 26 Central Ordnance Depot, Ottawa, Ontario.

2. SD 82519 Sgt Metayer P., No 26 Central Ordnance Depot, Ottawa, Ontario.

3. SC 21372 Cpl Wilde, R.I., No 26 Central Ordnance Depot, Ottawa, Ontario.

4. SC 90431 Sgt M. Phelan, No 26 Central Ordnance Depot, RCOC, Ottawa, Ontario.

5. SP 35202 RSM BENEDICT, G.S., No 26 Central Ordnance Depot, Plouffe Park, Ottawa.

6. ZP 1708 Lieut M.E. Swords, RCOC, No 26 Central Ordnance Depot, Ottawa, Ontario.

V.W. Porter

(V.W. Porter) Lieut.,
No 26 Central Ordnance Depot,
Ottawa, Ontario.
Officer detailed to take this
Summary of Evidence.

Ottawa, Ontario
13 Feb 48

TRIAL OF

SC 123492 PTE ETMANSKI, RAYMOND ANTHONY, (RCOC), No 26 CENTRAL ORDNANCE DEPOT, PLOUFFE PARK, OTTAWA, ONTARIO.

LIST OF EXHIBITS FOR THE PROSECUTION

EXHIBIT "A" - Certified True Copy of No 26 Central Ordnance Depot, RCOC CA(AF) Part II Order No 12 dated 28 Jan 48.

EXHIBIT "B" - Certified True Copy of Part II Order No 15, dated 2 Feb 48, No 26 Central Ordnance Depot RCOC CA(AF).

EXHIBIT "C" - Certified True Copy of Part II Order No 16 dated 4 Feb 48, No 26 Central Ordnance Depot, RCOC CA(AF).

.....

(V.W.Porter) Lieut.,
No 26 Central Ordnance Depot,
Ottawa, Ontario.
Officer detailed to take this
Summary of Evidence.

Ottawa, Ontario
13th February, 1948

EXHIBIT "A"

Last Pt II Order 11
Dated 26 Jan 48

NO. 26 CENTRAL ORDNANCE DEPOT, RCOC, CA(AF)

ISSUED BY
COLONEL H.A. CAMPBELL
COMMANDANT

This Order No. 12
Dated 28 Jan 48

"A" OFFICERS

1	NEXT OF KIN - Verification of					
	(a) Mrs. Elisabeth Catherine Tucker (Wife), 133 Laurier Ave., W., Apt #3, Ottawa, Ontario.	ZC 3011	Lieut	L.S. TUCKER	RCOC	26 Jan 48

"B" OTHER RANKS

2	ATTACHMENTS					
	(a) Att. for R&Q to No. 25 COD. (Auth: Comd #26 COD)	SC 41514	Pte	COMEAU, E.	RCOC	28 Jan 48
	(b) Ceases Att. for R&Q to No. 23 Tpt Coy RCASC.	SC 70083	Pte	LONGHURST, R.	RCOC	26 Jan 48
	(c) Ceases Att. for R&Q to No. 3 Coy RCEME.	SP 35253	Cpl	STEVENS, V.D.	RCOC	23 Jan 48
3	ABSENT WITHOUT LEAVE					
	(a) AWL from 0730 hrs	SC 123492	Pte	ETMANSKI, R.A.	RCOC	27 Jan 48
	(b) Returns from AWL	SC 123492	Pte	ETMANSKI, R.A.	RCOC	28 Jan 48
4	HOSPITAL					
	(a) Discharged from Kingston Military Hospital	SC 94298	Pte	CURLEY, T.E.	RCOC	24 Jan 48

5 NEXT OF KIN - Verification of
(a) Mrs. Beulah Robinson (Wife),
Finter P.O.,
Ontario.

SC 102043 A/Cpl ROBINSON, M.J. RCOC 15 Jan 48

(Signed L.S. Tucker) Lt,
for (H.A. Campbell) Colonel,
Commandant,
26 Central Ordnance Depot.

/DRN.

CERTIFIED TRUE COPY

9 Feb 48

(M.E. Swords) Lt,
Adm Offr - 26 COD.

EXHIBIT "B"

Last Pt II Order 14

Dated 31 Jan 48

NO. 26 CENTRAL ORDNANCE DEPOT, RCOC, CA(AF)

ISSUED BY
COLONEL H.A. CAMPBELL
COMMANDANT

This Order No. 15

Dated 2 Feb 48

Ottawa, Ontario.

"A" OFFICERS

1 TEMPORARY DUTY

(a)	Proceeded on Temporary Duty from #26 COD Sub-Depot, Petawawa, Ont to Ottawa, Ont. 0800 hrs				29 Jan 48
	Returned from Teporary Duty from Ottawa, Ont. 2300 hrs (Auth: K.308-1-1(Q) d/6 Jan 48)	ZC 2687	Lieut	A.B. FRENCH RCOC	29 Jan 48

2 LEAVE

(a)	Granted 6 days Annual Leave. (Auth: K/ZD 974 (AQ) dated 5 Jan 48)	ZD 974	Major	C.E. GERNAEY, MBE RCOC	26 Jan 48

"B" OTHER RANKS

3 ATTACHMENTS

(a)	Att. for R&Q to #23 Tpt Coy RCASC. (Auth: Comd #26 COD)	SC 94344	Pte	PROULX, J.B. RCOC	2 Feb 48
(b)	Ceases Att. for R&Q to #23 Tpt Coy RCASC.	SC 96214	Cpl	DALY, R.H. RCOC	31 Jan 48

4 TEMPORARY DUTY

(a)	Proceeded on Temporary Duty to Pendleton, Ont. 0730 hrs					10 Jan 48
	Returned from Temporary Duty from Pendleton, Ont. 2359 hrs (Auth: Comd #26 COD)	SC 32797	Pte	LADOUCEUR, J.A.N.	RCOC	20 Jan 48

5 LEAVE

(a)	Granted 16 days Annual Leave	SC 15592	Sgt	PROVOST, J.P.C.	RCOC	2 Feb 48
(b)	Granted 15 days Annual Leave	SC 98674	A/Cpl	GRAHAM, W.	RCOC	2 Feb 48
(c)	Granted 13 days Annual Leave	SC 124569	Pte	PERRIN, H.J.	RCOC	2 Feb 48
(d)	Granted 11 days Annual Leave	SP 1101	Pte	RANDALL, W.H.	RCOC	2 Feb 48
(e)	Granted 10 days Annual Leave	SL 86608	Pte	BAIRD, C.	RCOC	2 Feb 48
(f)	Granted 9 days Annual Leave	SC 30136	Pte	HOFFMAN, D.G.	RCOC	2 Feb 48
		SP 34996	Sgt	WAIDRON, I.	RCOC	2 Feb 48
(g)	Granted 7 days Annual Leave	SC 38348	Pte	COLEMAN, G.B.	RCOC	2 Feb 48
		SC 12656	Cpl	McWHINNEY, G.G.	RCOC	2 Feb 48
		SC 15765	Sgt	PERRIN, D.C.	RCOC	2 Feb 48
(h)	Granted 6 days Annual Leave	SC 94298	Pte	CURLEY, T.E.	RCOC	2 Feb 48
		SC 94086	Sgt	PERKINS, H.E.	RCOC	26 Jan 48
(i)	Granted 4 days Annual Leave	SP 16424	S/Sgt	BRASH, W.	RCOC	2 Feb 48
		SC 96521	Cpl	YADE, P.C.	RCOC	2 Feb 48
(j)	Granted 3 days Annual Leave	SC 94326	Cpl	SMITH, M.H.	RCOC	29 Jan 48
		SC 11597	Pte	WARREN, R.B.	RCOC	28 Jan 48

5	LEAVE (Cont'd)					
	(k) Granted 2 days Annual Leave	SC 96214 SA 89659	Cpl Cpl	DALY, R.H. NEALE, G.C.	RCOC RCE	2 Feb 48 29 Jan 48
	(l) Granted 1 days Annual Leave	SC 15857	Pte	MUNRO, J.H.	RCOC	28 Jan 48
6	ABSENT WITHOUT LEAVE					
	(a) Returns from AWL at 0730 hrs	SC 123492	Pte	ETMANSKI, R.A.	RCOC	28 Jan 48
	(b) CANCELLATION Returns from AWL (Para 2 (b) DO 12 d/28 Jan 48)	SC 123492	Pte	ETMANSKI, R.A.	RCOC	28 Jan 48
	(c) AWL from 1400 hrs	SC 123492	Pte	ETMANSKI, R.A.	RCOC	1 Feb 48
	(d) AWL from 0840 hrs	SC 38020	Pte	BELAND, F.I.J.	RCOC	31 Jan 48
	(e) Returns from AWL at 0830 hrs	SC 38020	Pte	BELAND, F.I.J.	RCOC	2 Feb 48
7	HOSPITAL					
	(a) Admitted to Rockcliffe RCAF Hospital (Sick)	SC 94822	Sgt	MOSKALUK, P.G.	RCOC	30 Jan 48
	(b) Discharged from Rockcliffe RCAF Hospital	SC 12330	Pte	SPRATT, P.G.	RCOC	29 Jan 48
8	APPOINTMENTS, PROMOTIONS, REVERSIONS					
	(a) Confirmed in the rank of Cpl. (Auth: HQ 1-290-2 (Pers Misc) dated 22 Jan 48) (Republished from Commandant AHQ DO No. 5 d/31 Jan 48)	SC 40754	A/Cpl	DRONFIELD, H.	RCAMC	30 Jul 47

9	QUALIFICATIONS (a) Qualified Driver I/C.	SC 70083	Pte	LONGHURST, R.	RCOC	26 Jan 48
10	CLASSIFICATION & GROUPING OF PAY (a) Completed 3 yrs in rank of Cpl. To draw increase of pay. (Storeman Gp 2) (Auth: Para 109 P&A (Army))	SC 77003	Cpl	LEMAY, S.	RCOC	1 Feb 48
11	MONTHLY ALLOWANCES (a) Ceases to be carried on Married Roll (22 Dec 47) and ceases to draw Marriage Allowance (31 Dec 47) (Auth: Para 141 P&A (Army))	SH 64672	Pte	SCHEVING, H.J.	RCOC	31 Dec 47
12	PUNISHMENTS (a) Awarded 7 days CB for an offence under Sec 15(1) A.A., AWL from 0830 hrs 31 Jan 48 to 0830 hrs 2 Feb 48 (Absent 2 days 0 hrs 0 mins.)Forf 2 days P&A under Para 286(a) P & A (Army). Total forf 2 days Pay.	SC 38020	Pte	BELAND, F.I.J.	RCOC	2 Feb 48
	(b) Awarded 14 days CB for an offence under Sec 15(1) A.A., AWL from 0730 hrs 27 Jan 48 to 0730 hrs 28 Jan 48. (Absent 1 day 0 hrs 0 mins). Forf 1 days P&A under Para 286(a) P&A (Army). Total forf 1 days Pay.	SC 123492	Pte	ETMANSKI, R.A.	RCOC	31 Jan 48

2 FEB 48 NO. 26 CENTRAL ORDNANCE DEPOT, RCOC, CA(AF) 15 5

13 NEXT OF KIN - Verification of
(a) Mrs. Phylis Joyce Neale (Wife),
63 Main Street,
Aylmer, P.Q. SA 89659 Cpl NEALE, G.C. RCE 31 Jan 48

"C" MISCELLANEOUS

14 CIVILIAN PERSONNEL
(a) TOS Mr VILANDRE, Joseph
Clerk Grade III. 27 Jan 48

for (Signed L.S. Tucker)
(H.A. Campbell) Colonel,
Commandant,
26 Central Ordnance Depot.

/DRN.

CERTIFIED TRUE COPY

9 Feb 48 (M.E. Swords) Lt,
Adm Offr - 26 COD.

EXHIBIT "C"

Last Pt II Order 15
Dated 2 Feb 48

NO. 26 CENTRAL ORDNANCE DEPOT, RCOC, CA(AF)

ISSUED BY
COLONEL H.A. CAMPBELL
COMMANDANT

This Order No. 16
Dated 4 Feb 48
Ottawa, Ontario.

"A" OFFICERS

1	ATTACHMENTS					
	(a) Att. for R&Q to No. 25 COD. (Auth: Comd #26 COD)	ZC 1159	A/CAPT	P.I. SLOANE	RCOC	4 Feb 48
2	MARRIAGES, BIRTHS, DEATHS					
	(a) Son, Thomas Edwin, born at Ottawa, Ontario.	ZC 1192	Major	R.G. HITCHMAN	RCOC	24 Jan 48

"B" OTHER RANKS

3	ATTACHMENTS					
	(a) Ceases Att for R&Q to No. 25 COD.	SC 58504	Pte	RYAN, H.R.	RCOC	3 Feb 48
	(b) Ceases Att. for R&Q to No. 23 Tpt Coy RCASC.	SC 12528	Pte	SMYTH, A.A.	RCOC	2 Feb 48
4	LEAVE					
	(a) Granted 4 days Annual Leave	SC 94846	Pte	PITCHER, R.C.	RCOC	2 Feb 48
	(b) Granted 2 days Annual Leave	SC 94210	Sgt	SMITH, I.	RCOC	3 Feb 48
5	ABSENT WITHOUT LEAVE					
	(a) AWL from 0830 hrs	SC 15857	Pte	MUNRO, J.H.	RCOC	2 Feb 48
	(b) Returns from AWL at 0830 hrs	SC 15857	Pte	MUNRO, J.H.	RCOC	3 Feb 48

5	ABSENT WITHOUT LEAVE (Cont'd) (c) Returns from AWL at 1400 hrs	SC 123492	Pte	ETMANSKI, R.A.	RCOC	3 Feb 48
6	SERVICE IN RANK (a) Qual to count 4 yrs, 7 mos, 25 days paid service in rank of Cpl (Auth: Para 70 P&A (Army))	SC 75830	Cpl	DEWHIRST, J.	RCOC	1 Oct 46
	(b) CANCELLATION Qual to count 4 yrs, 7 mos, 1 day paid service in rank of Cpl towards increase of pay. (Auth: Para 70 P&A (Army)). (Para 4(a) DO 13 dated 1 Nov 46)	SC 75830	Cpl	DEWHIRST, J.	RCOC	1 Oct 46
7	PUNISHMENTS (a) Awarded 1 days CB for an offence under Sec 15(1) A.A., AWL from 0830 hrs 2 Feb 48 to 0830 hrs 3 Feb 48 (Absent 1 day). Forf 1 days P&A under Para 286(a) P&A (Army). Total forf 1 days Pay.	SC 15857	Pte	MUNRO, J.H.	RCOC	3 Feb 48
8	NEXT OF KIN - Verification of (a) Mrs. Andrewina Longhurst (Wife), 125 Marier Road, Eastview, Ontario.	SC 70083	Pte	LONGHURST, R.	RCOC	3 Feb 48

(Signed M.E. Swords) Lt,
for (H.A. Campbell) Colonel,
Commandant,
No.26 Central Ordnance Depot.

/DRN.

CERTIFIED TRUE COPY

9 Feb 48

(M.E. Swords) Lt,
Adm Offr - 26 COD.

No. [illegible] Name [illegible] Sqn., Battery, or Company [illegible] Corps [illegible] Date of enlistment [illegible] G.C. Badges Tradesmen's Rates of Pay W.O.Cl. 2 (A.F.B. 128) [illegible] H.Q. 1775-39-1082

No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. [illegible] Signature O.C. Company, etc. [illegible] Character [illegible]

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Ottawa	17 May 47	Pte		A.A.Sec 15(1) WOAB AWL from 0800 hrs 17 May 47 until 0900 hrs 19 May 47 Total Time Absent - 2 days	[illegible]	5 days CB	19 May 47	Major [illegible] Ottawa	Awrd Forf 2 days PAY PAA 86(a) F.E. Sept.
Ottawa	2 July 47	Pte		A.A. SEC 15(1) WOAB AWL from 0800 hrs 2 Jul 47 until 0900 hrs 11 Aug 47 TOTAL TIME ABSENT - 40 days 40 Mins - 41 Days	[illegible]	[illegible]	29 Aug 47	Col. [illegible] Campbell	Awrd Forf 35 days PAY PAA 86(a). Cash loss of 35 days. F.E. Sept.

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Colombo	27 June 45	Pte		A.A. SEC 15(2) - SEC 1 Bar	19 [illegible] Cpl [illegible] R.E.	28 days CB	28 June 45	Col R.A. Campbell Commanding	Sentence Confirmed 2 days Pack Drill [illegible] A.C.I. Major
				SUSPENDED FROM DUTY					
			2 June 45	[illegible] Adjutant 1/Ceylon Corps, [illegible]					

M.F.B. 358
75M—5-43 (145)
H.Q. 1773-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
SC 123492	Pte	FTHANSKI, R.A.	NO. 26 COD, RCOC

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

	Within last 12 months	Since enlistment or appointment
For A.A. Sec 15(1)	times	3 times
For	times	times
For	times	times
For	times	times

Number of instances of gallantry or distinguished conduct Nil
or,
There are no entries in the conduct sheets of the accused. N/A
NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted N/A
or,
Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 73
Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement. N/A

3. The accused is not under sentence at the present time. No
or,
The accused at the present time is under sentence for N/A beginning on the N/A day of

4. The accused has been in confinement awaiting trial on the present charges, for 28 days in Air Force custody, and Nil days in military custody, making a total of 28 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his record of service is 22 years attestation paper

6. The date of his commission specified in his record of service is attestation attestation paper N/A

7. The service which the accused is allowed to reckon towards discharge is 2 yrs, 9 mos

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

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

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 N/A

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
unit
N/A dated - , and in his regiment (or corps) the rank of

N/A dated -

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

N/A Date of promotion.

In the rank of N/A years.

In the rank of N/A years.

In the rank of N/A years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

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 Rank
Unit
Name of Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		N/A		

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 day of

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 proceedings.

TRIAL OF

SC 123492 PRIVATE RAYMOND ANTHONY ETMANSKI (RCOC)
NO 26 CENTRAL ORDNANCE DEPOT, PLOUFFE PARK, OTTAWA,
ONTARIO.

Should an Order for Trial by Area Courts-Martial be made, on which a Summary of Evidence has been taken this 13th day of February, 1948, then I desire that an officer assigned by the convening officer represent me at such trial.

I acknowledge that should an Order for Trial be granted, that I have been warned that the officer who is to be named as Prosecutor at my Trial by Area-Courts-Martial, may have legal qualifications in civil life.

SC.123492 Pte Etmanski R.A.

"I"

President,
D.C.M.

PLEA IN MITIGATION
(BY DEFENDING OFFICER)

Gentlemen, I don't intend to say a great deal - simply because there is not a great deal to be said.

The accused is aware that he has done that which is a crime according to military law. He has admitted his guilt to this court knowing that the decision given, based on the evidence submitted, will be a fair one.

However, to assist the court in making that decision - to complete or round out the picture of this whole case - there are a few important points which I feel, merit consideration.

First of all, there is the story of the previous service of the accused. When still 18 years old, in January, 1944, he joined the infantry and served overseas with the Algonquin Regiment. He served in France, Belgium and Holland, and was wounded while with the Algonquins in Belgium. As a matter of fact, he now draws a disability pension as a result of shrapnel wounds in his right arm.

With regard to the specific charges I wish to point out that the accused has stated to me that he was not aware of the order relating to an eighteen mile limit beyond which a pass is required. We have in this compound a building from which, at that time, drivers and vehicles operated, and in which copies of all depot orders were normally posted. However, Etmanski is quite confident that D.O. Pt. I No. 178 dated 6 August, 1947, was not posted in that building, and when a search was made there, after the incident of this charge occurred, the order was not found. While we are aware that ignorance of the law is no excuse, it is nevertheless felt that it may at least be considered a mitigating circumstance.

There is also a matter regarding the day on which the car was taken. December 20th, 1947, was the day on which a children's Christmas party was held at No. 26 C.O.D. There was, no doubt, a certain festive air about this plce of work which normally requires a strict conformance to duty and discipline. It is quite conceivable therefore, that on such a day the accused could, after having done considerable extra driving, because of the festivities, commit this wrong with a somewhat less sense of doing wrong than he would normally feel.

Before closing, I wish to point out that the accused has already undergone a considerable period of close arrest, comparable to detention, as a result of these acts. He was held in custody from 22nd December, 1947 to 12th January, 1948, then again from 3rd February, 1948 to the present date, a total of sixty days. I feel that this confinement, in the face of further possible detention, has already had some disciplinary effect on him.

Thank you, Sir.

X

Orders by Colonel M P Bogert DSO OBE Commanding

the Eastern Ontario Area

District Court-Martial

SC 123492 Private Raymond Anthony Etmanski
26 Central Ordnance Depot

8 March 1948

The detail of Officers as mentioned below will assemble

at 26 Central Ordnance Depot Ottawa on Friday

the twelfth day of March 1948 at 1000 hours for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

ZF 123 Major R F McKay MC RCIC
Royal Canadian Regiment
is appointed President.

MEMBERS

ZP 1641 Capt J P Cook RCIC
Royal Canadian Regiment
ZF 857 Capt G G Taylor RCIC
3 Sec A & T Staff

WAITING MEMBERS

ZL 478 A/Capt D W Green RCA
3 Sec A & T Staff
ZC 745 A/Capt A T Gavin RCIC
3 Sec A & T Staff

JUDGE ADVOCATE

20022 S/L S L Howell JAG Br AHQ has been ~~(is hereby)~~ appointed Judge Advocate.

PROSECUTOR

ZP 1827 Lt V W Porter RCOC has been (is hereby) appointed Prosecutor. 26 Central Ordnance Depot

DEFENDING OFFICER

ZL 2967 Lt W A Hunter RCOC has been (is hereby) appointed Defending Officer. 26 Central Ordnance Depot

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

The Officer Commanding 26 Central Ordnance Depot RCOC will arrange for the necessary accommodation, stationery, court orderly, escort, ~~shorthand writers, and interpreters.~~

The proceedings will be forwarded to AA & QMG Eastern Ontario Area

Signed this 8th day of March 1948

M.F.B. 220
A.F.A. 47
2M—7-43 (1152)
H.Q. 1773-20-564

(F N Ovens) Lt Col
AA & QMG Eastern Ontario Area

"Y"

M.F.B. 355
75M—6-43 (145)
H.Q. 1772-39-670
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
SC 123422	Pte	ETMANSKI, R.A.	No. 26 COD RCOC.

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

	Within last 12 months	Since enlistment or appointment
For A.A. Sec 15(1)	3 times	times
For	times	times
For	times	times
For	times	times

Number of instances of gallantry or distinguished conduct Nil

or,

There are no entries in the conduct sheets of the accused. N/A

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

2. The accused has not been previously convicted N/A

or,

Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 73 Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement. N/A

3. The accused is not under sentence at the present time. No

or,

The accused at the present time is under sentence for N/A beginning on the N/A day of

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in Air Force ~~civil~~ custody, and ~~25~~ 60 days in military custody, making a total of ~~25~~ 60 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his record of service is 22 years attestation paper

6. The date of his commission specified in his record of service is attestation attestation paper N/A

7. The service which the accused is allowed to reckon towards discharge is 2 yrs, 4 mos, 25 days

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

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

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 N/A

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

N/A dated -, and in his regiment (or corps) the rank of

N/A dated -.

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:— N/A Date of promotion.

In the rank of N/A years.

In the rank of N/A years.

In the rank of N/A years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number [redacted] Unit

Name [redacted] of [redacted]

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		N/A		

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 11 day of MARCH 1945 [redacted] Officer

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 proceedings.

No. [redacted] Name [redacted] Sqn., Battery, or Company [redacted] Corps [redacted] Date of enlistment [redacted] G.C. Badges [redacted] Trademan's Rates of Pay [redacted]

No. and date of last drunk [redacted] Period not reckoning towards freedom from extra fine [redacted] Sheet No. 2 Signature O.C. Company, etc. [redacted] Character [redacted]

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Ottawa	17 May 47	Pte		A.A. Sec 15(1) NDA Act. Drunk while in [illegible] 17 May 47 until 0800 hrs 18 May 47 Total Time Absent - 2 days	[illegible]	5 days CB	19 May 47	[illegible]	[illegible]
Ottawa	2 July 47	Pte		A.A. Sec 15(1) NDA Act. Drunk while in [illegible] 2 July 47 until 0800 hrs 11 July 47 TOTAL TIME ABSENT - 10 days 10 Hours - 11 Days	[illegible]	14 days Detention	29 July 47	[illegible]	[illegible]

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
[illegible]	[illegible]	[illegible]		A.A.A. [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]					

MEDICAL OFFICER'S REPORT

I certify that No. SC 123492 Pte STMANSKI, R.A.

of No. 26 COD, RCOC is in a fit state of health,

and able to undergo Trial by Court martial.

Medical Officer

Station Ottawa, Ontario.

Date 12 Mar 48.

M. F. B. 246

50M—9-44 (5427)

H.Q. 1772-30-489

H.Q.C. 55-E-340 (JAG/O)

OFFICE OF THE JUDGE ADVOCATE GENERAL

April 16th, 1948.

REGISTER
CONFIDENTIAL

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

DISTRICT COURT MARTIAL
SC.123492 Pte. ETMANSKI, R.A.

1. Receipt is acknowledged of your CC/SC.123492 (J) dated 2nd April, 1948.

2. Upon perusal of these proceedings it is noted that they were confirmed 16th March 1948 and the minute of promulgation reads as follows:- "Promulgated by entry in Part II Order No. 37 dated the 24 day of March of No. 26 Central Ordnance Depot pursuant to K.R. (Can) para. 577 (c) and extracts taken at Ottawa this 26th day of March 1948 ".

3. Attention is invited to Para 577 (c) of K.R.(Can) from which it will be noted that if the accused absents himself without leave subsequent to conviction but before promulgation can be effected, the proceedings may be promulgated under this paragraph only if a declaration has been made by a Court of Inquiry under Section 72 of the Army Act in respect of such absence. The trial having been held on 12th March 1948 it becomes readily apparent that no Court of Inquiry on illegal absence could be held under Section 72 of the Army Act on or prior to 26th March 1948. The proceedings are accordingly returned herewith for rectification of the minute of promulgation at this time under Para 577 (c) K.R.(Can). May they be returned to this Office for custody.

of promulgation

WMWS

(R. J. Orde) Brigadier,
Judge Advocate General.

Encl.
WMWS/MRP.

CENTRAL

H.Q. C-55-E-360
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SC.123492 Name ETMANSKI, R.A.

Rank Pte Unit 26 Central Ordnance Depot

Charge AA 11 - NEGLECTING TO OBEY REGIMENTAL ORDERS

AA 40 - CONDUCT TO THE PREJUDICE ETC

AA 40 - CONDUCT TO THE PREJUDICE ETC

AA 15(1) - ABSENTING HIMSELF WITHOUT LEAVE - 1 Feb 48 to 3 Feb 48

Date of Crime 20 Dec 47

Date of Arrest 3 Feb 48 Charge Signed 13 Feb 48

Orders for D.C.M. 9 Mar 48

Place and Date of Trial 12 Mar 48, 26 COD, Ottawa

Sentence To undergo detention for 60 days and to be put under stoppages of pay in the sum of $125.00

Date of Confirmation 16 Mar 48

Date of Promulgation 24 Mar 48

Entered in Records of J.A.G. as No. 46129

Date 7 Apr 48

MEMO Finding on first charge not confirmed. Sentence mitigated to "To undergo detention for 40 days and to be placed under stoppages of pay until he has made good the sum of $125.00 with respect to the damage to the DND vehicle.

W M W Shaw Lt Col

for Judge Advocate-General

CC/SC 123492 (J)
CC/SA 111947 (J)

R96

HEADQUARTERS CENTRAL COMMAND

Ortona Barracks,
OAKVILLE, Ont.

2 Apr 48

.....REGISTERED

Referred to JAG
9360
APR 5 1948
File No. 55-5-36
Chgd to

Office of the Judge Advocate General,
Dept. of National Defence,
OTTAWA, Ont.

DISTRICT COURTS-MARTIAL
SC 123492 Pte ETMANSKI, R.A.
SA 111947 Pte KRAMER, J.E.

Enclosed herewith find proceedings of the marginally-noted District Courts-Martial for registration and custody.

J C Campbell major
for (C. Vokes)
Major-General,
GOC, Central Command

Encl.

H.Q.C. 55-E-361 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

EVES, WILMER CLAUDE SC.10284 CPL.

CONFIDENTIAL
H.Q.C. 55-E-361

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
AUG 1948	10 Aug	P.A.		JAG	NEW FILE CR 22-7-48		
AUG 31	24 Aug	PA		JAG	WITH PAPERS OR AUG 23 1948	24753	
JUN 9 1949	7/6/49	PA		Judy	FOR REQUISITION OF JUN 7 1949		

(If purpose for which referred cannot be expressed on one line, add minute to file and enter "As per Minute")

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for two or three years than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see same.

2. When a file is finally closed by central registry, it is placed direct in storage. PASS THIS FILE IN ENVELOPE

CC/SC 10284 (J)

HEADQUARTERS CENTRAL COMMAND

Ortona Barracks,
OAKVILLE, Ont.

20 Aug 48

Referred ..... JAG .....
AUG 23 1948
24753 1-33-1-361
File No. .....
Chgd to .....

Office of the Judge Advocate General,
Dept. of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
SC 10284 Cpl. W.C. EVES
No. 3 Works Coy, RCE.

Your HQC 55-E-361 (JAG/O-6) dated 10 Aug 48.

2. As requested, herewith find certified true copy of MFM 6 for inclusion in the marginally-noted proceedings.

J.C. Campbell maj

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

HQ. C-55-E-361 (JAG/O-6)

XXXXXX

Office of the Judge Advocate-General

August 10, 1948.

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

District Court-Martial
SC.10284 Cpl. W.C. EVES
No. 3 Works Coy, RCE.

1 Receipt is acknowledged of your CC/SC.10284 (J) dated 21 July, 1948, under cover of which you forwarded the m/n proceedings for registration and custody.

2 Your observations on the procedural defects are noted. It is also noted that the MFM 6 does not appear to have been attached as an exhibit, or if so has been lost. Might this omission be remedied.

3 The proceedings have been entered in our records as Number 46194 under date of 26 July, 1948, and are retained for custody.

(R. J. Orde) Brigadier,
Judge Advocate-General.

WPMcC:6432:BCC

File No. HQ C.55-E-361 (JAG/O-6)

DEPARTMENT OF NATIONAL DEFENCE

Office of the Judge Advocate-General

Ottawa, Canada,
August 10, 1948.

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

District Court-Martial
SC.10284 Cpl. W.C. EVES
No. 3 Works Coy, RCE.

1 With reference to the question raised by paragraph 2 of your CC/SC.10284 (J) dated 21 July, 1948, the facts would appear to be that the Area Commander convened the District Court-Martial and the accused was found guilty of three charges. The Area Commander then confirmed the finding of the court on two charges but declined to confirm the finding of guilt on the third charge and commuted the sentence from one of reduction to the ranks to a severe reprimand.

2 It is noted that section 30C of KR (Can) does not contain the word "commute" in respect of the powers of an Area Commander. Having, however, the powers of confirmation it would be necessarily incidental to such powers for the Area Commander to be in a position to commute the sentence, particularly in cases where all of the findings of guilt are not confirmed. The necessity for such action on the part of a confirming authority is clearly established by RP 54 (a). There is ample authority in law for the inclusion by implication of the power to commute. Reference is made to Vol. 10, C.E.D., page 247, which reads as follows: "The doing of what is necessarily incidental or indispensable to the exercise of statutory powers is authorized by implication. Where an Act confers a jurisdiction, it impliedly grants, also, the power of doing all such acts or employing such means as are essentially necessary to its execution." In view of this implied power it is not considered that there is any real inconsistency between section 30C and section 57 of the Army Act which expressly authorizes commutation by the confirming authority.

3 I must therefore rule that the Area Commander in this case was within his powers in not confirming the finding of guilt on certain of the charges and in commuting the punishment by the imposition of a less severe sentence.

(R. J. Orde) Brigadier,
Judge Advocate-General.

WPMcC:6432:BCC

① Charge Sheet – date of signing same by OC omitted.

② Note contents of letter from G.O.C.

③ "The Court satisfy etc – Page 4 should have been deleted & initialled.

④ Query 1st charge (Act?) (Neglect)

⑤ * Witnesses not fully described.

⑥ RP 83(B) – Barclay. & Page 5 Mc.

⑦ Willard's testimony Q 38 proper?

⑧ Page 3 of JA.?

⑨ MFM 6.

CC/SC 10284 (J)

R324 HEADQUARTERS CENTRAL COMMAND

Ortona Barracks,
OAKVILLE, Ont.
21 ~~JUL~~ 48

.... REGISTERED

Referred to JAG
JUL 23 1948
21321 L.55-E-36
Chgd

Office of the Judge Advocate General,
Dept. of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
SC 10284 Cpl. W.C. EVES
No. 3 Works Coy RCE

Enclosed herewith find the marginally-noted proceedings for registration and custody.

2. It is pointed out the confirming authority has sought to commute the sentence as awarded by the Court in this case. Under the provisions of KR (Can) para. 30(c) the Area Commander, who confirmed and commuted the award made by the Court, would appear to have no jurisdiction to commute the sentence, despite the fact Army Act Sec. 57 allows a confirming authority to make such commutation. In the opinion of this Headquarters the Area Commander should have "varied" rather than "commuted" the sentence. Your advice and ruling in this matter is requested.

3. Observations have been made on the fact that the Charge Sheet should have been signed by Major Chambers "for" the convening authority, and also that there is no notation in the proceedings that RP 83(B) was complied with.

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

Encl.

H.Q. C. 55-E-361
M.D. ~~SC. 10284~~

MEMORANDUM - DISTRICT COURT-MARTIAL

No SC. 10284 Name EVES, WILMER, CLAUDE.

Rank Cpl. Unit No. 3 Works Coy. RCE.

Charge (1) Sec. 40 A.A. An Act to the Prejudice of Good Order and Military Discipline.

(2) Sec. 40 A.A. An Act to the Prejudice of Good Order and Military Discipline.

(3) Sec. 11 A.A. Neglecting to Obey General Orders.

Date of Crime (1) (2) (3) chargas, 28th May 1948.

Date of Arrest Charge Signed

Orders for D.C.M. DAAG, Eastern Ontario Area. 19th June 1948.

Place and Date of Trial Kingston, Ont. June 29th, 1948.

Sentence Reduced to the ranks. Stoppages (100.00)

Date of Confirmation July 13th, 1948.

Date of Promulgation July 13th,,1948.

Entered in Records of J.A.G. as No. 46194

Date July 26th, 1948.

MEMO. 1st & 2nd charges confirmed. 3rd charge not confirmed. Sentence commuted to read, to be severely reprimanded and to be put under stoppages of pay until he has made good the sum of $50.00

for Judge Advocate-General

BM-S-46(M-709)

PROCEEDINGS

of a

DISTRICT COURT-MARTIAL

held at Kingston, Ontario

on the 29 June 45

in the case of

SC 10284 Corporal Wilmer Claude EVES

No 3 Works Company

Royal Canadian Engineers

MEDICAL OFFICER'S CERTIFICATE

I certify that SC 10284 Cpl Eves W C, No 3 Works Coy RCE, is fit to undergo trial by Court-Martial.

(W E [illegible]Hearth) Major
5 Detachment RCAMC

KINGSTON Ontario
29 JUN 48

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

A

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

Proceedings of a **District** Court-Martial held at **Kingston Ontario** on the **29th** day of **June** 19 **48** by order of **Colonel M P Bogert DSO OBE** Commanding **the Eastern Ontario Area,** dated the **19th** day of **June** 19 **48.**

President.

ZP 1211 Major H L K Mason RCEME
OC 3 Coy RCEME

Members.

ZP 1226 Capt V H J Catling RCASC
3 Coy RCASC

ZA 2712 Capt G A Munro RCOC
4 Area Ordnance Depot RCOC

Extracts entered as No. 41/41 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 26th day of Sept 1948

19540 S/L J Gellner DFC
CAC HQ RCAF, Judge Advocate.

Trial of* **SC 102834 Corporal Wilmer Claude EVES, No 3 Works Company, Royal Canadian Engineers.**

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

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

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

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

The accused is brought before the Court.

Prosecutor,† **ZP 1252 Capt D C MacMillan RCE**
3 Works Coy RCE

~~defending officer~~ defending officer† **ZP 1244 Capt E J M Hughes, RCASC**
3 Coy RCASC

At **1050** o'clock the Trial commences.

The order convening the Court is read, and is marked **"X"** signed 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~~).

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

Answer by accused. **No, sir.**

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

---

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

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

Mil. Form B. 271
1934—8-39 (2132)
H.Q. 1772—39-234

B

Q 2 **PRESIDENT:** Do you object to the Shorthand Writer No 22236 Sgt J C Allen Central Air Command HeadQuarters, Trenton, Ontario?

A **ACCUSED:** No, sir.

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

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

ZP 1224 Capt T H Byington, RCEME, 3 Coy RCEME.

(The Shorthand Writer is duly sworn.)

Charge-Sheet

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

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

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

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

Question to the accused.

Not guilty.

Answer.

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

Question.

Not Guilty.

Answer.

The accused objects to the third charge on the ground that (See Document marked "C".)

The Court is closed to consider their decision.

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

The Court disallow the objection.

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

Answer.

PRESIDENT: (To accused) The Court has decided to enter a plea of not guilty on behalf of the accused in respect to the third charge and to deal with the question whether or not the standing orders quoted in the charge are in force, together with the rest of the evidence.

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

DEFENDING OFFICER: Sir, I have the authority here where it says that these orders have been replaced. It is not just an Engineer Order; it is a Canadian Army Order.

Answer.

JUDGE ADVOCATE: The Court, as you heard, has ruled for practical purposes that you should submit these orders together with the rest of your evidence.

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

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

B 2

President DCM.

CHARGE SHEET

The accused, SC 10284 Corporal Wilmer Claude EVES, No 3 Works Company, Royal Canadian Engineers, a soldier of the Canadian Army (Active Force) is charged with:-

FIRST CHARGE
Sec 40 AA

AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

near Odessa Ontario on the evening of 28 May 48 so negligently drove DND Vehicle No 87-524 as to cause it to turn over, thereby causing damage to the said vehicle to the amount of approximately $ 350. 78.

SECOND CHARGE
Sec 40 AA

AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

near Odessa Ontario on the evening of 28 May 48 drove DND Vehicle No 87-524 without due authority and for his own purposes.

THIRD CHARGE
Sec 11 AA

NEGLECTING TO OBEY GENERAL ORDERS

in that he

near Odessa Ontario on the evening of 28 May 48 carried beer in DND Vehicle No 87-524 contrary to Standing Orders for Drivers of M.T. Vehicles and Universal Carriers and Motorcyclists, para (3)(j) which forbids drivers of mechanical vehicles to carry intoxicating liquors on their vehicles.

Walker Kayes Maj

(Walker Kayes) Major, RCE
Officer Commanding
No 3 Works Coy, R C E.

TO BE TRIED BY DISTRICT COURT-MARTIAL

(G N Chambers) Major
D A A G
Eastern Ontario Area

KINGSTON Ontario
19 JUN 48

C

Proceedings on Plea of Not Guilty

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

Q 5 *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. **DEFENDING OFFICER: No, sir.**

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

The prosecutor proceeds to call witnesses.

First witness for prosecution. **Mr. I.H. Burley**

being duly sworn, is examined by the prosecutor.

Q 6 **Mr. Burley, would you tell us in your own words what you know about this accident in which an army vehicle was involved on the 28th of May?**

A **Approximately about 7:30, Andy Willard came down there, stopped at the garage and said there was a truck--**

JUDGE ADVOCATE:

Just say what you know yourself; don't say what other people told you; just ~~say~~ what you saw yourself.

WITNESS:

So I called Provincial Smith - Provincial Smith - Constable Smith - and told him there was a truck in the ditch out there and he said he would be down; and he came down approximately about 8 o'clock; and he stopped in the garage and wanted to know where it was and I told him. He said, "I will go on out and you better bring the wrecker to bring it out."

JUDGE ADVOCATE:

Just say what you did; don't say what the Provincial Constable did. Just say what you saw yourself and did yourself. Just keep the others out because the other witnesses will be heard themselves. You understand that, don't you?

WITNESS:

So I took the wrecker out and picked the truck up and brought it in.

EXAMINATION (Continued)

Q 7 **When you went out could you describe the position of the vehicle and the general conditions at the scene of the accident?**

A **It was lying on the side partly over the fence.**

Q 8 Was there any - what type of road?
A I would say it is a very dangerous road there. You come down on a grade and go up a slight grade and there is a winding curve right there and there is a big Elm tree right on the edge of the road - right on the edge of the grass; and there is a big bulder right there at the same time. I might say I have taken about four vehicles out there besides what other garages have taken out of the same place. I would say it is a very dangerous piece of road there, particularly for someone that does not know it.

Q 9 Is the surface of the road paved?
A No, it is gravel.

Q 10 Was the vehicle in a position to be driven when you got there?
A No.

Q 11 It required - can you identify the vehicle? - the numbers?
A No, I couldn't identify it by number.

Q 12 Could you describe it for us? What type of vehicle was it?
A Well, I wouldn't call it a jeep. It was larger than a jeep and smaller-- it had a canvas top.

Q 13 It wasn't a closed vehicle?
A No, it had a canopy top.

Q 14 You didn't take the number of the vehicle?
A No.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE JUDGE ADVOCATE.

Q 15 Where precisely was the scene of the accident? - on which road?
A North of Odessa on what we call the Wilton Road.

Q 16 And it leads where?
A Well, it goes to Yaker, Wilton. It is a county road going north.

Q 17 And when you saw this vehicle across the fence in which direction was it pointing?
A When we got it?

Q 18 Yes.
A It was pointing headed west. I imagine it was going east and turned around.

Q 19 The road goes north from Odessa you say?
A Goes north but he had turned east; goes north but you have to turn either east or west and he had turned east.

Q 20 Turned east but the vehicle was pointing west?
A Yes.

Q 21 Were there any marks on the road?
A No; there was a mark on the tree and there was a bit of bark on the rear wheel of the vehicle.

Q 22 And how far was the vehicle from the tree?
A Oh, I would say approximately the length of the vehicle.

Q 23 Length of the vehicle; right. You said that it was a gravel road?
A Gravel road.

Q 24 Would you describe it better? Is the gravel firm or loose? What is the condition of the gravel?
A The center of it where the cars run would be fairly smooth but on the shoulders it would be loose gravel.

Q 25 It is loose gravel?
A Yes.

Q 26 And on that day was it dry or wet?
A Dry.

QUESTIONED BY THE COURT.

Q 27 Is there a ditch at the side of the road?
A Practically no ditch; not right there at that particular spot because it goes right down and makes a curve like this.

Q 28 How far out of Odessa is this?
A Two or three miles, approximately.

Q 29 Is is a well-travelled road?
A Yes.

Q 30 Was there any evidence of brakes having been applied? Did you see any skid marks on the road?
A No; I generally leave that to the Provincial to look after; I didn't notice any; in fact I think I looked but didn't see any. It is a very dangerous curve there. You break down a hill like this...

Q 31 I understand you picked it up with the wrecker. How far was the vehicle off from the gravel?
A Well we had to pull it up and when we pulled it up it practically pulled up on the road.

Q 32 There was no ditch there?
A No.

Q 33 And it was between the gravel and the fence. It was standing upright?
A No, no, it was lying on its side. In fact, the four wheels were off the ground but it wasn't over square on its top. It was lying over on an angle like that.

PROSECUTOR:

I have a sketch here of the scene of the accident.

JUDGE ADVOCATE:

If you want to bring the sketch in I think it is a proper thing to show it first to somebody who was at the scene of the accident and have him testify that the sketch is roughly correct and then introduce it. I think the provincial policeman will probably be the best man for it.

THE WITNESS WITHDRAWS.

Second witness for the prosecution, Mr. A. Willard, being duly sworn, is examined by the Prosecutor.

Q 34 Mr. Willard, would you tell us in your own words just what you know about this accident which occurred on the 28th of May near Wilton, Ontario?

A Well, on the evening of the 28th of May I was proceeding from my home to the Village of Odessa and around the neighbourhood of seven o'clock. I turned the road and I was half way to another turn; I was about halfways when I saw this car come up over the hill and slew and turn over. So I stopped my car and I ran over to where the truck was. It was hidden from me behind some bushes and what I was looking for was somebody injured. And when I got looking through the truck I saw nobody injured but I saw a soldier going through the field, through a little thicket. My wife came. We were going to a show with the children. So I said there was nothing we could do and went to Odessa and reported to Mr. Burley, "I suppose it was an army vehicle because there is so many army vehicles through the country at the present time. So I imagine it is an army vehicle and you better get it out."

Q 35 You say you think it was an army vehicle. Just what makes you think that?

A Well, it was the color of it.

Q 36 What color of it?

A More of a greenish color.

Q 37 Carry on, please.

A I returned home about midnight and Cpl Eves was at my place. He was in a very dazed and nervous condition. We took him in the house and made a cup of tea and after that I brought him up to the city to his home. That is all I have to state.

Q 38 Did Cpl Eves make any statement to you when you found him waiting in your home?

JUDGE ADVOCATE:

I wouldn't ask the witness to state what the accused said. Just let him describe the accident.

EXAMINATION (Continued)

Q 39 Could you give us some idea of the speed of the vehicle?

A Well, it is pretty hard to state. I only saw the nose or--as I stated before, I would state the speed at about 25 miles an hour. I couldn't swear to it. If it passed me, or some way you could more or less verify the speed, but I couldn't swear to that.

Q 40 Do you know of any other accidents which have been - which have occurred at this particular place?

A I have lived there four years and I have known of four accidents at the present time.

Q 41 What is your opinion of the road up there?

A Well, when you are coming up over that knoll and that sharp turn you cannot see a car coming the other way until you are right up on top of it. I have come around there myself and it is a very bad turn. They went to work now and they have started to pave that road and they haven't taken that turn out. They have a tar top now and it is going to be worse than it ever was. They should have a sign there "Sharp Turn".

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE JUDGE ADVOCATE.

Q 42 You say that you saw the car just when it came on top of this raise?
A Yes.

Q 43 And when you first saw the car was it already slewing?
A It was slewing.

Q 44 It was already slewing?
A Hum, hum.

Q 45 It was preparing to make a turn to which side there?
A The right; the hind back was going to the ditch.

Q 46 In the direction in which this vehicle travelled. I believe it travelled north from Odessa? is this correct?
A Yes.

Q 47 In which direction does the road turn, right or left?
A Left.

Q 48 It turns left. He was therefore engaged in a left-hand turn?
A Yes.

Q 49 And you were coming south towards Odessa?
A Yes.

Q 50 In what condition was the road?
A It was gravel; --dragging with a--they had been putting a lot of gravel.

Q 51 And was the gravel firm or loose?
A Loose.

Q 52 All over the road?
A Yes.

Q 53 And what shoulders are on this road?
A Pardon, sir?

Q 54 What are the shoulders on the road.
A Just grass shoulder.

Q 55 Just grass. And the slewing of the vehicle occurred in what part of the road?
A Right on the edge next to the shoulder.

Q 56 And how wide is the road?
A I imagine it would be 20 feet, but then when you slew off your gravel and you hit a shoulder about that high where the grader has routed it out. There is a shoulder about that high; when she hit that that is what sloped her.

Q 57 This shoulder which you have shown to be about a foot high, or half a foot high, this is formed by gravel?
A There is gravel all right along it.

JUDGE ADVOCATE:

And this shoulder is also a gravel shoulder.

I arr
on th
road ually a mound of gravel built up...
and w gravel is solid ground right to the fence.
There
There craper sort of dug it out?
the t
had t
stri ou say was done to the vehicle from your cursory
There
and l
Appr
the s
ent.

PRESIDENT:
running?
Do y

WITNESS:
off?
off.
I do
appe de a statement; you estimated the speed of the
In t at made?
canc ment on that.
truc
rear miles an hour?
Ther n hour.
accu
abou e of this road it is a high--the vehicle was coming
Garr up a grade and you were coming towards the vehicle?
the

JUDGE ADVOCATE: he was coming at 25 miles an hour?
I estimated; I said I figured by the way she turned
I wo k she would be going much over 25 miles an hour,
say;

WITNESS:
ry well see?
l see.
I at
I wa
Ode
and the Court and the Judge Advocate it is unnecessary
myse provisions of RP 83(B).)
cha

EXAMINATION (
tion, Corporal Smith, Provincial Police, being
Q 72 Did e Prosecutor.
whe
A Yes, tell the Court just what your position is?
exa e Ontario Provincial Police Force, in charge of
fac

Q 73 Did h which I would like you to look at and tell me if you
A I d picture of the scene of the accident.

Q 74 Did
A I t to sketch is marked "J", signed by the President
ove he proceedings.)

Q 75 Do Court, Cpl Smith, the story of what happened on the
A Yes of May this year?
elephone call I drove to the scene of this accident.
Q 76 Do
A No,
bel

Q 77 Could you describe the condition of the road at this particular point?
A This is a county road, gravel surface, approximately 16 feet wide on the travelled portion. On the south side is a shallow ditch. There are boulders on the shoulder of this road. And the Elm tree I have spoken about is approximately on the grassy shoulder very near the travelled portion. The general direction at the point is east and west. The road turns to the north at the point of the accident. There is quite a sharp turn, approximately 30 degree angle. The road at the time of the accident was dry and in good condition. The visibility was good at the time I arrived at the scene of the accident.

Q 78 Do you consider the road safe to travel at that point?
A Well, it could be improved but it is not a bad--

Q 79 Well, do you feel--
A Piece of road.

Q 80 Do you consider that a vehicle involved in an accident at that particular point, would the driver be at fault?

JUDGE ADVOCATE:

I wouldn't go as far; that is up to the Court to decide.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q 81 Cpl Smith, you stated before there were no charges laid against the accused?
A No, sir.

Q 82 If you figure that there had been any evidence of careless driving would he have been charged?
A I feel if he had been a civilian and I thought the Army would be taking action - and I felt if he had been a civilian I believe I would have charged him with careless driving.

Q 83 Actually he was not charged?
A He was not charged.

Q 84 And a soldier on the highway is subject naturally to civil law?
A Yes, that is true.

Q 85 Another point: the Court has got the idea that the man left the scene of an accident. Now, I would like to clarify that.
A When I arrived at the accident the accused was not there. He did return to the scene of the accident. Approximately a mile south of this accident there is a great swamp with a lot of water in it. From information I received I drove down to the edge of this swamp and looked in an effort to find the accused. I didn't find him.

Q 86 It is quite permissible for a person to leave an accident if they return to it, is it not?
A He is bound by the Ontario Traffic Act to report an accident as soon as possible.

Q 87 In Section 45 of the Highway Traffic Act: "If an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway who is directly or indirectly a party to the accident shall remain at or return to the scene of the accident." That is what Eves did. He went away apparently to try to get some assistance, no doubt; but he returned there; he did not contravene any part of the Highway Traffic Act?
A No, not under that Section I wouldn't judge.

Q 88 You stated that there is no evidence that Cpl Eves had been drinking?
A I smelt beer about the person of the accused. Whether it was on his clothing or on his breath I wouldn't care to say.

Q 89 But there was beer carried on the vehicle?
A There was a liquid that smelt of beer, anyway.

Q 90 If he had anything in the car and it had turned over, he had probably received a shower of beer, would he not?
A Quite possible.

Q 91 But in your opinion the man was not drunk?
A No, he was not drunk.

Q 92 On the sketch here in that particular type of road a skid of 60 feet would not indicate great speed; am I right or wrong in that?
A No, I didn't think it indicated excessive speed.

Q 93 On that point the maximum speed for a vehicle of the type involved in an accident is 45 miles an hour; and that, of course, is with all due respect to the road. If he had been going at top speed on that type of road I imagine the skid marks would have been more than 60 feet. A matter of 60 feet is not far to skid, is that correct?
A That is correct.

RE-EXAMINED BY THE PROSECUTOR.

Q 94 Are there any houses near the scene of the accident?
A Any houses?

Q 95 Yes.
A Yes, there is a house north of the scene of the accident, a hundred yards, approximately.

Q 96 And did you receive any notification other than the one you have already mentioned about this accident?
A No.

QUESTIONED BY THE JUDGE ADVOCATE.

Q 97 I suppose you are an officer of considerable experience in car accidents?
A Twenty years.

Q 98 Twenty. In your opinion as an expert on car accidents what do you think was the reason for the sliding, for the skid?
A I don't think the accused had his vehicle under proper control or he could have navigated that turn.

Q 99 These skid marks you are speaking of, where did these skid marks stop? I mean, in the middle of the road, on the side, or where?
A They started about the middle of the road.

Q 100 And then they went in which direction?
A In an easterly direction.

Q 101 Closer and closer to the side?
A Gradually going to the south edge of the road.

Q 102 Were these simply skid marks or were brakes applied?
A To me as if the vehicle had been sliding. I wouldn't like to say they were brake marks or not brake marks.

Q 103 I understand in your examination-in-chief you said that the vehicle was on the south side of the road. Isn't this the north side of the road?

A At this particular point the road is running east and west.

Q 104 And he was travelling west?

A And he was travelling east.

Q 105 He was travelling east?

A Yes; the general direction of the road is north and south but there is a bend.

Q 106 So the sketch is actually upside down. It is orientated south. The sketch is orientated south. So this Elm tree is on the south edge of the road?

A Yes.

Q 107 You say that there was a mark as if the vehicle had struck this Elm tree?

A Yes.

Q 108 Or grazed the Elm tree?

A Yes.

Q 109 Now, how far was the vehicle past the Elm tree?

A Approximately 35 feet, 40 feet.

Q 110 Past the Elm tree?

A Yes; I didn't put a tape on that. I did pace it after, some days after.

Q 111 And this boulder you are speaking of; you spoke of a boulder which probably caused the overturning?

A Yes.

Q 112 This boulder was on the grass?

A In the grass.

Q 113 And how far is the boulder roughly from the Elm tree?

A I didn't put a tape on that either but I would judge it was about 15 to 20 feet, and east of the Elm tree.

Q 114 And what kind of a vehicle was it?

A Kind of a boulder? It was an oblong, large boulder. It would weigh two or three pounds.

Q 115 What kind of a vehicle was it?

A It was an Army vehicle.

Q 116 I suppose you are refreshing your memory--

A From my notes I made at the time. I saw a number on this vehicle; 1644F was the only number I took down. It was about a sixteen hundredweight.

Q 117 Sixteen hundredweight. The number you saw, 1644F?

A I saw that on the vehicle.

PRESIDENT:

That is the licence plate?

WITNESS:

That is the licence-plate number. I don't know what the War Department number was. I didn't take it down.

QUESTIONED BY THE JUDGE ADVOCATE (Continued)

Q 118 You are also experienced in this neighbourhood, aren't you? You have been in this neighbourhood for some time?
A Yes, sir.

Q 119 Is this an especially dangerous corner? Is it known to you to be a very dangerous corner?
A I know there have been several accidents in this corner.

Q 120 In this same corner?
A Yes.

QUESTIONED BY THE COURT.

Q 121 You mentioned that the accused was - his clothes were wet and his dishevelled appearance?
A Yes.

Q 122 Just what was he wearing?
A He was wearing Army trousers and shirt. He had on his cap, his tam.

Q 123 In other words, he was dressed as a soldier?
A Yes, he was dressed as a soldier.

Q 124 Any rank?
A Yes, he was wearing corporal's stripes.

Fourth witness for the prosecution, Capt J H BELL, being duly sworn, is examined by the Prosecutor.

Q 125 Capt Bell, will you tell the Court just what your position is, please?
A I am the Officer in charge of RMC Works Detachment; Detachment No 3 Works Company, RCE.

Q 126 Is Cpl Eves a member of your Detachment?
A Yes, Cpl Eves is a member of the Detachment.

Q 127 Will you tell the Court in your own words what you know about this accident which occurred on the 28th of May this year?
A Approximately 0900 hours on the 29th I was informed that Cpl Eves was in hospital and had wrecked a fifteen hundredweight truck, which was allotted to RMC Works Detachment for works duties. I immediately phoned Major Kaye, OC Works Company and he instructed me to proceed to the scene of the accident to find out any details I could. I proceeded to Odessa and contacted Mr. Burley, owner of a garage in that Town, who had custody of the truck. He informed me that he had been ordered by Cpl Smith of the Provincial Police to take it off the road the previous evening and it was still in his garage. I looked for the vehicle Work Ticket but couldn't find it. He gave me the particulars of where the accident occurred and also mentioned the name Mr. Willard, who had informed him. We then proceeded to Mr. Willard's home and he told me--

JUDGE ADVOCATE:

Don't say what Mr. Willard told you unless the accused was present. Just say what you yourself did and saw.

WITNESS:

I proceeded to Mr. Willard's home, questioned him, and then proceeded

to the scene of the accident. This happened on a curve of the roadway and all that could be seen at that time was a few broken beer bottles and a fence broken. I then proceeded to Napanee to interview Cpl Smith, Provincial Police, and take charge of the Work Ticket which he had in his possession. That is all I know of the accident.

EXAMINATION (Continued)

Q 128 Is this the Work Ticket which you obtained from Cpl Smith?
A That is the Work Ticket. (Hands same to Defending Officer.)
(Work Ticket marked "X", signed by the President & attached to proceedings)

DEFENDING OFFICER:

I see it is signed by "J. Bell". Is that signed when it was taken off the vehicle by the Provincial Policeman?

WITNESS:

Yes, that was.

JUDGE ADVOCATE:

Just at this point you should merely decide whether or not you wish to object to the admissibility of this document, and the other things you can elicit in cross-examination.

EXAMINATION (Continued)

Q 129 Tell the Court the set-up of how your Detachment functions, the method in which vehicles are allotted for daily use, and generally as far as the main procedure in--
A Actually the Works Detachment have no vehicles on charge. RMC functions - that is, I mean the Staff College functions on RMC; all vehicles operated from their garage. When they moved to Fort Frontenac all vehicles were taken from RMC charge and Staff College charge, and it left 3 vehicles that nobody owned officially. Those vehicles were part of the original RMC Works Detachment 1098. On or about February of this year the RMC Works Detachment was disbanded, and so it could operate, the Staff College kept the vehicles on charge - ones that we were using.

Q 130 Were those vehicles actually signed over to your Detachment?
A No, they were carried on Canadian Army Staff College ledgers. We have no ordnance ledger in the Works Detachment. We had the use of the vehicles. When the College was vacated that left me as the lone Officer at the College that was using the vehicles; and in turn I authorize my Foremen of Works to drive vehicles and to sign the daily Work Tickets.

Q 131 You say "Foremen of Works". Are there more than one Foreman of Works?
A Yes; QMS Harper, Cpl Eves, and at the time, Sgt Brown. It was necessary because I was not always present. I also authorize the Foremen of Works to drive vehicles.

Q 132 Did you - What limits were placed on the use - or were any limits placed on the use of these vehicles by Formen of Works personnel?
A Limits were placed on in actually Kingston area.

Q 133 Did you allow them to use vehicles for their own use? Were they allowed to take them out at night?
A No.

Q 134 What disposition was made of the vehicle at night?
A One vehicle was kept at Fort Frontenac as the emergency vehicle in case

A (Cont) of fire so as the men who were living there could be rounded up quickly and brought over, and the other vehicles were kept in the Work Shop.

Q 135 Did you authorize a trip by Cpl Eves to Odessa on the 28th of May?
A No.

Q 126 What regulations do the drivers in the Detachment work under and what rules do they have to abide by?
A They must abide by the Standing Orders for Motorcycle Drivers, Carriers.

Q 127 Does each driver have to have a copy of these regulations with him?
A Yes, and that was laid down by the Staff College and they were tested by the Staff College MT Section.

Q 128 And who issued the orders then?
A Staff College MT Section.

Q 129 To your knowledge does Cpl Eves have these regulations?
A Yes, I took--when he reported for duty - I believe it was on Monday, the Monday after the accident, I took his standing orders from him and sent them to the OC and grounded him.

Q 130 Are those the orders which you received from Cpl Eves?
A Yes.

Q 131 Could you describe the data on the inside of the book?
A Well, it is certified that Cpl Eves was tested as a driver, 3rd class, by QMS MacDonald on the 14/11/46 and was approved by Capt D.A. Brennan, Staff Capt Q at Canadian Army Staff College.

Q 132 And is there any other signature on that page?
A Cpl Eves' signature.

(Regulations for Drivers of M.T. Vehicles and Universal Carriers and Motorcyclists, 1944, marked "L", signed by the President and attached to the proceedings.)

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q 133 Cpl Eves has been one of the authorized people to sign Work Tickets?
A Would you repeat the question, please?

Q 134 Cpl Eves has been authorized to sign Work Tickets?
A Yes, he was, Capt Hughes.

Q 135 Now, I have the month of May here, 21 Work Tickets for the vehicle 87-524 that was involved in this accident. Thirteen of these Work Tickets are signed by Cpl Eves, signature of officer authorizing the trip. Now, we have a charge against this man of going out of the area. Here is a copy of the Work Ticket the day before the accident: "27th of May, RMC area;" according to the Work Ticket he is not back yet. Was that quite normal procedure that these Work Tickets were not checked by anyone?
A Yes, I would say that was quite normal because as I already stated, the vehicles are on charge to the Staff College, who had had them on charge. The MT Section was disbanded. We were waiting to have the vehicles transferred to No. 3 Works Company. We are not set up as a garage in any nature or means. In fact, we have nothing but drivers. We have no NCO in charge of transport.

Q 136 Another one, 26th of May, Pte Loughridge. He departed from RMC 8 o'clock in the morning and he is not back yet.
A I might say perhaps he didn't leave the grounds. It was customary to start off by Staff College Work Ticket in the morning.

Q 137 He went 47 miles.
A Probably around the grounds.

Q 138 It was the RMC and area.
A Which is bounded by the Staff College to Barriefield Village.

Q 139 Have you a standing order there laying down the areas that the vehicle must contain itself to?
A Have I? - No, I haven't.

Q 140 Well, has anyone?
A Unless it came under the defunct Staff College one. We abided by their regulations.

Q 141 You have no knowledge of the limitations put on the vehicle at the present time attached to No. 3 RCE Detachment at--
A Just what I have by word of mouth that any vehicles going out of the area would be signed for and authorized.

Q 142 Where does the driver judge when he is in the area or out of the area?
A I should think anybody working in Kingston would know the City,-the bounds of the City.

Q 143 Yes, but Kingston is expanding pretty rapidly. The drivers' instructions that you have, are you aware of the fact that they are not the proper standing orders?
A Yes, I am aware that they are not the proper standing orders.

Q 144 Was any steps made to replace them with the authorized standing orders?
A We were instructed at the time as soon as the other ones were ready that they would replace these; so far they haven't been issued to our Detachment.

Q 145 These standing orders were brought into print on last July. And according to Headquarters and CAO, "This booklet combines and replaces 'Regulations for Drivers of Transport Vehicles,' and 'Regulations for Fighting Vehicles;' that is, "Regulations for Military Operated Vehicles, 1947, Part I."

JUDGE ADVOCATE: (To Defending Officer)

Show this to the witness - I mean the order which you have just quoted; show it to the witness.... If you are putting some order to the witness you should show it to the witness. So will you show it to the witness, because you have read it to him...and ask the witness whether he knows of that order or not.

CROSS-EXAMINATION (Continued)

Q 146 Were you aware of that thing?
A No, I am not aware of this order.

Q 147 Who is the vehicle 87-524, DND number - who is that vehicle on charge to?
A Canadian Army Staff College.

Q 148 No particular driver?
A No.

Q 149 Who would be responsible for that vehicle?
A Cpl Eves was responsible for the vehicle. It was the Foreman of Works vehicle which he was using and it was maintained by one of the drivers in their spare time.

Q 150 But the vehicle was actually on nobody's charge?
A No. This point when you say "on charge", would you elucidate?

Q 151 Yes. Every vehicle has a log book. In that log book is entered up tools, repair records, records of drivers. This is the log book for 87-524. According to the records the vehicle is on charge; it is on charge to no one of the engineers or Staff College, or anyone at all. The record of drivers here must show who at present is in charge of that vehicle. This particular case no one is in charge of that vehicle.
A Well, probably I could explain that by the fact that we are a unit with more vehicles than drivers, and fifteen hundredweight, which is the Foreman of Works pick-up truck, which is Cpl Eves, it was used as light delivery and he drove it and he never allotted a driver to it because we couldn't spare one.

Q 152 My main point is how you differentiate between lawful and unlawful transport. You let a man go out, look over any of these, goes out 8 o'clock in the morning of the 27th; he is not even shown as coming back yet. I mean the point I am getting at there is where is the driver supposed to stop? ... Where does the curtailment of his activity come in?
A You must realize that we are not a transport unit. We have more to do than to just check out a vehicle and check in.

Q 153 I realize fully you are not a transport unit.
A He picks up men here and tools there and if he was to stop and fill out a Work Ticket, a Work Ticket wouldn't be long enough. We start an entry off and that is all. Normal average days' work wouldn't take him any further than Fort Frontenac, RMC and the little Village of Barriefield... And that is pretty near the bounds of our work; and they did at one time instruct over at RMC that every time a man did something he had to make out a Work Ticket, but you must realize that was mostly from a Works Detachment point of view because a shop may make 20 or 30 of these trips a day right up and down RMC area.

Q 154 I probably understand that but apparently QMG does not. I just quote from this: "Each vehicle must be the responsibility of each individual. In some instance the driver or crew may be required to maintain more than one... may be given vehicle responsibility in order to ensure proper maintenance." That answers right there, doesn't it? It is my opinion that 87-524 - you had no control over it.
A That is not my opinion.

DEFENDING OFFICER:

Well, I believe the evidence there will more or less prove that. That is all.

RE-EXAMINED BY THE PROSECUTOR.

Q 155 Capt Bell, what type of people are normally employed as Foremen of Works personnel?
A We picked trustworthy, usually junior NCOs, to start them off, for their knowledge of building trades, man-management, and who are able to take responsibility and trust. It is a very trusted position. It is not a job you can just say to anybody, "You will do." The men in particular must be trusted because they have charge of stores.

PRESIDENT:

Just what do you hope to accomplish by this cross-Questioning?

PROSECUTOR:

I am trying to establish the fact maybe-- He has said there is no control. My point is Formen of Works personnel must be reliable and we have to give them responsibility.

PRESIDENT:

I don't see exactly what the direct bearings on the charges are. If you refer back to the charges I don't see the direct bearing. It is not a question of whether it is control or not; it is a question of whether he drove the vehicle negligently. I don't care whose charge it is on, man or area commander's; that is the point in question, not on whose charge it was.

PROSECUTOR:

No more questions.

PRESIDENT:

Another was whether he drove without due authority for his own purpose. Let us not get too far away from actually what we are trying him on.

QUESTIONED BY THE JUDGE ADVOCATE.

Q 156 You say you found the vehicle in Burley's garage?
A Yes, sir.

Q 157 And this was the vehicle which the accused drove on the night before and had an accident with? Was this the same vehicle?
A I assume he drove it, sir. It was the vehicle on our charge, the Dodge fifteen hundredweight.

Q 158 And from whom do you know that this was the vehicle in Burley's garage - was the same vehicle which was damaged a few miles from Burley's garage?
A Mr. Burley's statement.

Q 159 What was the number of this vehicle which you found in Burley's garage?
A I am sorry, I don't memorize numbers of vehicles.

Q 160 Was this a vehicle to which the Work Ticket, Exhibit "K", refers? Was the vehicle in Burley's garage the same to which the Work Ticket refers?
A Yes, sir.

Q 161 There was a certain discussion about authority to drive. Have you ever given to anybody under your command the authority to drive vehicles on other than Government business?
A No, sir.

QUESTIONED BY THE COURT.

Q 162 Would Cpl Eves have any Government business at or near Odessa?
A

JUDGE ADVOCATE: At this time.

WITNESS:

He could have, sir, because I say that in fairness to the accused. We did business with a garage out there - pardon me, with a little lumber concern that made mouldings for us.

QUESTIONED BY THE COURT (Continued)

Q 163 I will put it this way: Would Cpl Eves have any business out there at 1900 hours?
A No, sir.

Q 164 On the 28th of May?
A No, sir.

Q 165 In other words, you always finish at five o'clock?
A Quite.

Q 166 They have no duties involving use of transport after 5 o'clock on this particular day or any other day near it?
A On that particular day, sir. It is not to say that every day finishes because sometimes we have a little work to do or an emergency, but on that particular day there was nothing outstanding after 1700 hours.

Q 167 And where was the vehicle in question when you last saw it on the day, the 28th of May, before the accident, I mean - where was it when you last saw it?
A It was making its normal rounds around - pardon me, on that question I would take it for granted it was making its normal rounds.

Q 168 As far as you know?
A Yes.

Q 169 And where would it be left at five o'clock?
A At Fort Frontenac in the garage there.

Q 170 Inside the garage?
A That is correct, sir.

Q 171 Would that garage be locked or--
A It is a very large garage. It is used for storage of cars and it is policed by security picquets from the Staff College.

Q 172 I am trying to piece the story together.
A Yes.

Q 173 Cpl Eves could come into the Staff College and say, "I need this vehicle for something," and nobody would question him, the guard on the gate or the Staff College. I am trying to get what guard was on that vehicle, or the vehicle was in locked premises?
A Well, the driver - usually at five o'clock, I believe in the case of this day that Spr Loughridge was the driver of the vehicle and he lives right there at the Staff College. And a vehicle goes - went over with him, which is usual practice. The other drivers sleep there and the electrician sleeps there, and people like that. And that would go into their garage there and they normally make their rounds, their tours.

Q 174 Do you know of your own knowledge whether instructions are given to security guard at Fort Frontenac to see that a vehicle is not removed from the vehicle park or the building in which it is parked in upon completion of its day's duty?
A No.

Q 175 Or you are surmising?
A I am surmising.

Q 176 To the best of your knowledge this vehicle was being driven by Cpl Eves that day, was it?
A That is correct, sir.

Q 177 In his charge?
A It is the pick-up for his - gallon of paint, a few men, or anything he

wants to get. That was the use of the vehicle allotted to that purpose.

Q 178 We are referring to the particular day in question.
A Yes, sir, that would be every day.

THE WITNESS WITHDRAWS.

Fifth witness for the prosecution, Dr. J.D. GIBSON, being duly sworn, is examined by the Prosecutor.

Q 179 Dr. Gibson, would you tell the Court about the examination that you made of Cpl Eves on the 29th of May, 1948?
A I saw Cpl Eves on the 29th of May. He had a small laceration of the right eye, abrasions, bruises of the left arm; that was the extent of his injuries.

Q 180 Could you give us some idea of when these injuries had been received?
A It had been several hours prior to my examination.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

THE WITNESS WITHDRAWS.

At 1230 hours the Court adjourns until 1400 hours on the 29 Jun 48. On the 29 Jun 48 at 1400 hours the Court reassemble, pursuant to adjournment; present the same members. [redacted] 16

The accused is brought before the Court.

Sixth witness for the prosecution, WO1 BUCK, being duly sworn, is examined by the Prosecutor.

Q 181 Sergeant-Major Buck, will you tell the Court your position and your duties?
A At the present time I am employed as Shop Sergeant-Major, 207 Work Shop.

Q 182 Will you tell the Court what happened on the 29th of May, 1948, with regard to vehicle number 87-524?
A Well, I believe it was on the 29th of May that I received a phone message to despatch the wrecker lorry to Burley's garage in Odessa to pick up a wrecked three Quarter ton Dodge. I despatched the wrecker lorry in charge of Sgt Tibet, who was on duty at the time, with one helper. They brought the wrecked vehicle back to the Work Shop. That was on a Sunday morning and on Monday an estimate was made by the Unit Inspector, an estimated cost of repairs.

Q 183 Will you tell me the amount of the estimate?
A I can't offhand, sir.

Q 184 Can you find out?
A I have a copy.

JUDGE ADVOCATE:

These notes you want to refresh your memory from, when were they made?

WITNESS:

I beg your pardon?

JUDGE ADVOCATE:

When were the notes made from which you want to refresh your memory ~~from~~?

WITNESS:

This note was made the day before yesterday, I believe it was.

PRESIDENT:

Did you inspect the vehicle yourself?

WITNESS:

No, sir.

JUDGE ADVOCATE:

Pardon?

WITNESS:

I have seen that. Since the estimate was made I inspected the vehicle.

JUDGE ADVOCATE:

And was the vehicle still damaged?

WITNESS:

Yes.

JUDGE ADVOCATE:

In the same state as it was after the accident?

WITNESS:

Yes, sir.

JUDGE ADVOCATE:

Will you give, then, your own estimate.

PRESIDENT:

What you consider it would cost to repair the vehicle. As you are an Armament Sergeant-Major you are a qualified person to give an estimate and we would like to know what your estimate is of the cost of repairs to this vehicle.

WITNESS:

Well, roughly -

PRESIDENT:

You have your notes there.

JUDGE ADVOCATE:

He cannot refer to the notes because they were not made at the time. He hasn't answered the question yet. He hasn't answered our question.

WITNESS:

Approximately $200.00, sir.

JUDGE ADVOCATE:

Approximately $200.00?

WITNESS:

That is right. That would be actual cost - approximate actual cost.

EXAMINATION (Continued)

Q 185 Does that include labour?
A Yes.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q 186 That two hundred actual cost - on the original estimate the battery was estimated $109.00. It seems exceedingly high. How do you figure that on your estimate.
A In a case of that kind, sir, it was nearly impossible through Army channels to get the Army price on it; so we went through a retailer to get a price.

Q 187 Actually this price of $109.00, to the Army would be a lot less than that, would it not?
A It would, sir, yes.

NO RE-EXAMINATION.

QUESTIONED BY THE JUDGE ADVOCATE.

Q 188 This $200.00, you are estimating the whole repairs - this is what it would actually cost the Army to repair the vehicle?
A No, you can't definitely say.

Q 189 But approximately.
A Approx. After the vehicle is repaired and we have the actual cost of parts and so on, then we can give the actual figure.

Q 190 And the vehicle is not repaired?
A Not yet, sir.

Q 191 But you are of the opinion that about $200.00 roughly would do the job?
A Approximately, yes.

QUESTIONED BY THE COURT.

Q 192 Does that include or not include this item of the battery?
A Yes, I think it would figure the battery in that.

THE WITNESS WITHDRAWS.

At 1413 hours the Court adjourned.
At 1425 hours the Court reassembled; present the same members.

Seventh witness for the prosecution, Spr D K LOUGHRIDGE, being duly sworn, is examined by the Prosecutor.

Q 193 Spr Loughridge, tell the Court what your duties at RMC -
A I am a driver at RMC.

Q 194 What vehicle do you drive?
A I was the driver of 87-524.

Q 195 What happens to that vehicle at night, or happened to that vehicle at night?
A We used to use it for transporting the boys back anf forth at night and in the morning.

Q 196 What finally is done?
A It is placed in the garage at Fort Frontenac and left there till morning.

Q 197 On the night of 28th of May this year what happened to that vehicle? I mean did you put it in the garage as you normally do?
A No.

Q 198 Tell me what happened?
A Cpl Eves took it that night from RMC.

Q 199 Elucidate on that a little more, will you? Where did he take it and how did he take it?
A Well, he took it home with him in order to come back to the smoker we had that night.

JUDGE ADVOCATE:

Will you repeat that? He took it home for what?

PROSECUTOR:

To come back to a smoker that night at the College.

PRESIDENT:

At least you assume he did.

WITNESS:

Yes.

EXAMINATION (Continued)

Q 200 What was the last you saw of the vehicle on the night of the 28th?
A From 25 after 5.

Q 201 Where was it and who was driving it and where were they going? I mean exact spot; you were going along a certain street?
A We left the Shop at 20 after 5. I rode as far as Fort Frontenanc with Cpl Eves.

Q 202 And then what happened?
A I don't know what happened to it after that.

Q 204 Did you stay in the vehicle?
A Just as far as Fort Frontenac.

Q 205 You got out of the vehicle then?
A That is right.

Q 206 After you got out of the vehicle what happened then?
A Cpl Eves went on.

Q 207 He drove the vehicle away?
A That is right.

Q 208 When did you next see the vehicle?
A I haven't seen it since.

PROSECUTOR:

You haven't seen it since. I have no further questions.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q 209 What time did you leave RMC?
A Around 20 after 5, sir.

Q 210 You didn't put that on your Work Ticket, did you?
A No.

Q 211 Is that normal?
A No, it is not.

Q 212 Who signed your Work Ticket when you left at 20 after 5?
A Cpl Eves, the driver.

Q 213 I said who signed your Work Ticket?
A No one; nobody signed it.

Q 214 Did Capt Bell sign it?
A No, sir.

Q 215 Today it was stated that Capt Bell signed that. You tell me he did not.
A There was only one trip signed, sir, and that is in the morning, when we start out at 12 o'clock. 16

Q 216 The last trip shown on your Exhibit "A" here does not show you leaving RMC at all. That was just an oversight, was it?
A Yes, we usually take it over every morning.

Q 217 Where is the permission - in writing or orally?
A It is just through word of mouth, sir. That is the way--

Q 218 What I am getting at here, you took it back, more or less normally bringing it back, and the work ticket was not signed?
A That is right.

Q 219 And signature of officer authorizing trip over the day was Cpl Eves, is that right?
A That is right.

Q 220 You are on oath and you are quite certain of that?
A That is right.

Q 221 Normally when it comes down to North Barracks.. you keep it?
A That is right. 18

Q 222 Is that under lock and key?
A The garage cannot be locked.

Q 223 Didn't you state one time before the vehicle was locked up at night?
A You mean the time we leave work?

Q 224 16
DEFENDING OFFICER:

Is that question quite in order, sir?

JUDGE ADVOCATE:

Perfect.

CROSS-EXAMINATION (Continued)

Q 224 Did you state in a summary that that vehicle was taken to Fort Frontenac,

or whatever you want to call it, and locked up?
A It is out of there every night and the garage is never locked.

Q 225 "The vehicle is locked in the garage each night on arrival."
A It is never locked.

Q 226 Why did you say that before, or do you know?
A I don't know. I was just nervous that day and I didn't quite catch it.

Q 227 Just to tell the Court where that vehicle is locked up, at North Barracks is a long row of garages, is it not?
A It is in the first garage right inside.

Q 228 On the front of the garage where you have your vehicle is "Colonel Dick was no Colonel"?
A That is right.

Q 229 And on the far end you can walk in there and open any garage?
A That is right.

Q 230 And the vehicle is never under lock and key?
A That is right.

Q 231 What type of ignition switch is on that vehicle? They use a key or switch?
A Swithh.

Q 232 In other words, anyone could go in there and start that thing up practically?
A That is right.

NO RE-EXAMINATION.

QUESTIONED BY THE COURT.

Q 233 What is the normal duty of that vehicle? Do you usually use it around RMC?
A That is right, we do, sir.

Q 234 And when you spoke of taking the boys back and forth, where did you mean, where from?
A From RMC to Fort Frontenac.

Q 235 Between RMC and Fort Frontenac?
A That is right.

THE WITNESS WITHDRAWS.

PROSECUTOR:

No further witnesses, sir.

JUDGE ADVOCATE:

This is the case for the prosecution?

PROSECUTOR:

That is right.

JUDGE ADVOCATE: (To Defending Officer)

Is there any submission you want to make at this time?

DEFENDING OFFICER:

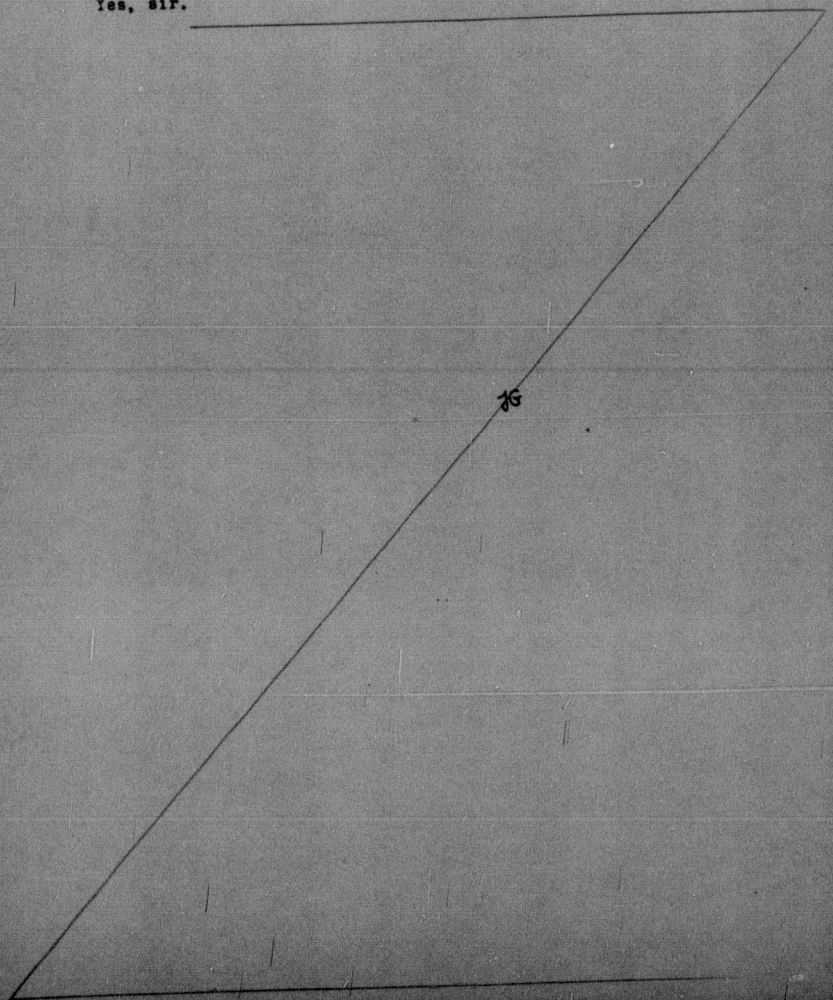
No, sir.

JUDGE ADVOCATE: (To accused)

You have heard the case for the prosecution. Your defence now comes in. You have the right to choose between three possibilities: you are not bound to say anything if you do not wish to do so; if you want to give evidence you can either give evidence as a witness under oath and then you can be cross-examined by the Prosecutor and also questioned by the Court and by myself; or you can give a statement not under oath and you cannot be cross-examined on this statement. If you decide to say anything, then you must bear in mind that a statement under oath carries more weight than a statement not under oath. Is this quite clear to you?

ACCUSED:

Yes, sir.



D

The prosecution is closed.

Defence

Question to the accused. 236 Do you apply to give evidence yourself as a witness?

Answer. **DEFENDING OFFICER: No, sir, he does not.**

Question. 237 Do you intend to call any other witness in your defence?

Answer. **Yes, sir.**

Question. 238 Is he a witness as to character only? *Answer.* **Yes, sir.**

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 (including witnesses as to character) is recorded on a separate page (*see* p 55)

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

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

Answer. The accused in his defence says†

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

Instruction. † 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*.)

First witness for the defence, as to character, Capt J H BELL, on his former oath, is examined by the Defending Officer.

DEFENDING OFFICER:

I am asking Capt Bell as character evidence for Cpl Eves.

Q 239 Would you tell the Court how long you have known Cpl Eves and how he has performed his duties and responsibility, to the best of your ability, and your knowledge of Cpl Eves, please?

A Very good. Cpl Eves has been under my command since 7th of January, 47, and during that time he has been employed on the work as a carpenter and for the greater part of it as an acting unit Foreman of Works. He has had no crime; he has been very hard working and at all times did a very very good job. I felt during that period that I thrust too much responsibility on him because he is of a nervous disposition but there was nothing else I could do because we had no military Foreman of Works to carry on the job he was doing. He has been an exceptionally good soldier. I have found that at times the stress when he would get worried and things like that, that he is inclined as soon as duty is over to drink a little bit, but always after the job was over when he got worried, but never have I known him at any time to drink during hours of employment. I believe, sir, that is all I can say on behalf of Cpl Eves.

PROSECUTOR:

Sir, could I make a statement on behalf of Major Kays, who is the OC of the unit?

JUDGE ADVOCATE:

If you are not called by the defence do not do that.

NO CROSS-EXAMINATION.

THE WITNESS WITHDRAWS.

The Prosecutor makes a Closing Address.

(See Document marked "M" attached.)

The Defending Officer makes a Closing Address.

(See Document marked "N" attached.)

The Judge Advocate makes a summing-up.

(See Document marked "O" attached.)

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused SC 10284 Corporal Wilmer Claude EVES, No 3 Works Company, Royal Canadian Engineers, is guilty of the second and third charges and guilty of the first charge with the exception that the damage caused to the vehicle is approximately $200.00.

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

The findings are read in open court and are announced as being subject to confirmation.

Proceedings on Conviction *before Sentence*

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

Evidence of character, &c.

PRESIDENT: (To Prosecutor) Have you any evidence to produce as to the character and particulars of service of the accused?

ZP 1252 Capt D C MacMillan RCE 3 Works Co RCE is duly sworn.

Question by the President.

Witness: I have here a Statement as to Character and Particulars of Service of the Accused.

The above statement is read, marked "Y", signed by the President, and annexed to the proceedings.

JUDGE ADVOCATE: Is not the date of his first enlistment on the document? WITNESS: That is his re-enlistment, the 1st of October. They haven't got the other one in.

Question by the President.

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

Question.

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

Question.

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

The Defending Officer declines to cross-examine.

Questioned by the Judge Advocate. (See Document marked "P".)

The witness resumes his seat as Prosecutor.

JUDGE ADVOCATE: Now, would you like to address the Court in mitigation?

(The Defending Officer addresses the Court in mitigation of punishment; see Document marked "Q".)

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

Question to the accused. Do you wish to address the Court? *Answer.* No, sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused SC 10284 Corporal Wilmer Claude EVES, No 3 Works Company, Royal Canadian Engineers, to be reduced to the ranks and to be put under stoppages of pay until he has made good the sum of one hundred dollars ($100.00) in respect of the damages to the DND vehicle.

Sentence.
(Reduction
(to the ranks
(and
(stoppages.

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

The sentence is announced in open Court; the sentence is announced as being subject to confirmation.

Signed at Kingston, Ontario, this 29th day of June, 1948.

J. Gelinas, S/L
Judge-Advocate.

A. F. Mason Maj
President.

I confirm the finding of the Court on the first and second charges but do not confirm the finding on the third charge, and I confirm the sentence of the Court but commute it to read: to be severely reprimanded and to be put under stoppages of pay until he has made good the sum of fifty dollars ($50.00) in respect of the damage to the DND vehicle.

Signed at Kingston, Ontario, this thirteenth day of July 1948.

(Signature of Confirming Authority). Colonel

Promulgated and extracts taken at Kingston Ont this thirteenth day of Jul 1948.

Walter Kaye Maj
OC 3 Works Coy RCE

(Signature of officer in charge of documents.)

"X" 59

H L K Mason Maj
President DCM

Orders by Colonel M P Bogert DSO OBE Commanding

the Eastern Ontario Area

District Court-Martial

SC 10284 Corporal Wilmer Claude Eves
No 3 Works Company RCE

19th June 1948

The detail of Officers as mentioned below will assemble

at KINGSTON Ontario on Tuesday

the 29th day of June 1948 at 1030 hours

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

ZP 1211 Major H L K Mason RCEME
OC 3 Coy RCEME
is appointed President.

MEMBERS

ZP 1226 Capt V H J Catling RCASC
3 Coy RCASC

ZA 2712 Capt G A Munro RCOC
4 Area Ordnance Depot RCOC

WAITING MEMBERS

ZP 1224 Capt T H Byington RCEME
3 Coy RCEME

ZC 2131 Lt A E Tilley RCASC
3 Coy RCASC

JUDGE ADVOCATE

19540 S/L J Gellner, DFC (is hereby) appointed
Judge Advocate CAC HQ RCAF

PROSECUTOR

ZP 1252 Capt D C MacMillan RCE (is hereby) appointed
Prosecutor 3 Works Coy RCE

DEFENDING OFFICER

ZP 1244 Capt E J M Hughes RCASC (is hereby) appointed
Defending Officer 3 Coy RCASC

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

The Officer Commanding 3 Works Company RCE will arrange for the necessary accommodation, stationery, court orderly, escort,

The proceedings will be forwarded to AA & QMG HQ E Ont Area

Signed this 19th day of June 1948

M.F.B. 220
A.F.A. 47
1934—10-43 (6802)
H.Q. 1772-39-864

(G N Chambers) Major
D A A G
Eastern Ontario Area

"G"

H. E. Thomas Maj
President DCM.

OBJECTION BY THE DEFENDING OFFICER TO THE THIRD CHARGE

DEFENDING OFFICER:

I object to the charge.

JUDGE ADVOCATE:

For what reason?

DEFENDING OFFICER:

The regulations as Quoted here, Standing Orders for Drivers of MT Vehicles and Carriers, has been cancelled.

JUDGE ADVOCATE: (To Prosecutor)

Is there any answer to that, Capt MacMillan?

PROSECUTOR:

The only answer I have to that is...we are still functioning under those regulations.

PRESIDENT:

The Court will be closed for deliberation.

H.S. Thomson Maj
President DCM

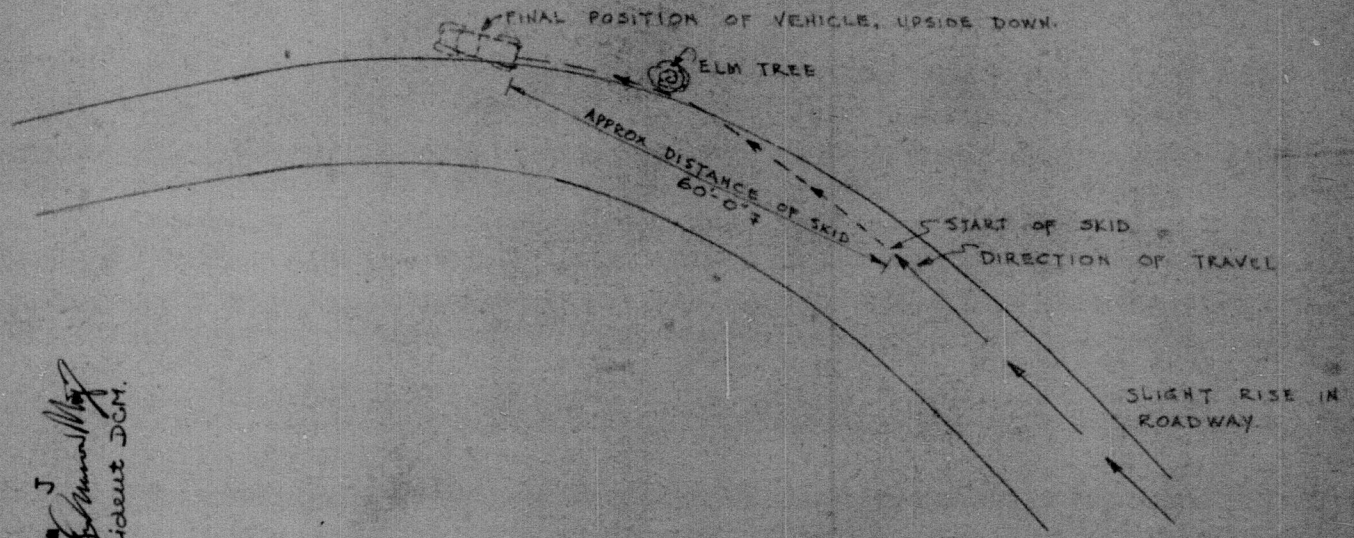
OPENING ADDRESS OF THE PROSECUTOR

Mr. President and Members of the Court:

It is my duty today to prosecute the accused, Cpl. Wilmer Claude Eves on the three charges which have been laid against him. I will produce evidence to prove that he was the driver of Vehicle No. 87-524 when it was involved in an accident at about 1900 hrs on the 28th May 48 near Odessa, Ontario, which resulted in damage to the vehicle in the amount of approximately $550.78, that at the time of the accident, he had no authority to drive the Vehicle and that he was transporting intoxicating liquors, namely beer in the Vehicle.

D.C. MacMillan

(D.C. MacMillan) Capt.



J
President DCM.

SKETCH SHOWING ACCIDENT
INVOLVING DND VEHICLE No 87-524.
ON THE 28 DAY OF MAY 1948
ROAD CONDITION - LOOSE STONE.

PLAN APPROVED BY

Investigating Officer.

APPENDIX A7

C. A. F. C. 2168
15M Pads of 100—6-47 (165)
H.Q. 226-21-C-2168

TRANSPORT WORK TICKET AND MT DRIVER'S DAILY REPORT

DND No. 87-324 UNIT RCE

TYPE OF VEHICLE Dodge 1 ton DATE 28-5-48 19

Detail No.	From	To	Time Departed	Time Arrived	Trip Mileage	Service Performed	Signature of Officer Authorizing Trip	Signature of Driver
11	2 Sqn C	Area	0800			RCE Matters	W/C Brough	[signature]
21	2 Sqn C	DG	1420	1430		Mtg	[illegible]	[signature]
	HQ	K	1445	1453		"	[illegible]	[signature]
		K						

Speedometer Reading at Garage	
In	
Out	67189
Total Mileage	

Time		
Running	Hrs	Mins
Waiting	Hrs	Mins
Total	Hrs	Mins

NOTE: Return journey must be shown on separate line.
Report daily maintenance and any mechanical troubles or unusual happenings on the back of this sheet. (This does not replace accident report C.A.F.C. 795).

K
President DCM

"L"

H.G. Mason Mayn
President DCM.

APPENDIX "E"

RESTRICTED

The information given in this document is not to be communicated, either directly or indirectly, to the Press or to any person not authorized to receive it.

"L"

REGULATIONS FOR DRIVERS OF M.T. VEHICLES AND UNIVERSAL CARRIERS AND MOTORCYCLISTS

1944

(Not applicable to Armoured Fighting Vehicles)

Prepared under the direction of
THE CHIEF OF THE GENERAL STAFF, CANADA

(Reprinted in Canada (October, 1944) with Amendment No. 1 by permission of the Controller His Majesty's Stationery Office)

50M-11-44 (5945)
H.Q. 70-44-61
K.P. 20667

"M"
President DCM.

CLOSING ADDRESS BY THE PROSECUTOR

Mr President and gentlemen: I have proved that Cpl Eves was in charge of the vehicle number 87-524 at 1725 hours in Kingston. At approximately 1900 hours the vehicle was involved in an accident at a point near Odessa but off the main road. Shortly afterwards Cpl Eves appeared at the scene of the accident showing signs of bruises and generally scuffed up. In view of this I am convinced that Cpl Eves was the driver of the vehicle at the time of the accident. That is all I have to say, sir.

"H"
President DCM.

CLOSING ADDRESS BY THE DEFENDING OFFICER

In the charge against Cpl Eves in the first case, did negligently drive - I don't think that the evidence has proved any negligence on his part as the driver of the vehicle. There was no statement given as to excessive speed. Statements were made that it is a very dangerous part of the road. There have been frequent accidents there before and the whole evidence proves that whether the vehicle was there legally or not there is no evidence of negligence on the part of the driver. A witness was called, including the experienced Corporal of the Provincial Police, who laid no charge against the Highway Traffic Act, definitely stated that the driver was not drunk and also stated as an expert witness that it was a very dangerous part of the road. I'd like the Court to bear in mind - let us remember it is quite permissible to be charged under Section 40,-under neglect - Neglect to be punishable under this Section must be wilful or culpable and not merely the result of forgetfulness, error of judgment or inadvertence on the part of the accused. I don't think it has been proven at all that Cpl Eves performed any of those acts which in the spirit of the Act here says should not be punishable.

As to having authority to have the vehicle where it was, I think there is a lot of doubt as to who authorizes vehicles. On a sworn statement the Officer in charge of the Detachment said he signed the Work Ticket. A sworn statement of the driver says it had not been signed by the officer in charge of Detachment. I think that point is very important. Cpl Eves has been an authorizing officer for the vehicles at RMC; there has been no contradiction on that. Where his area started and stopped seems to be also a difference of opinion and no rules produced here-or no area was produced to show that Cpl Eves was out of his boundary.

I maintain that the evidence is not sufficient to prove that in the first case he was negligent, or in the second case he acted with undue authority when no order could be produced to say if he had authority or not; that wasn't done. And the spirit of the Army Act here he is charged under, Section 40, I don't think he committed any of the offences there to make him punishable under the Act. That is all, sir.

"O"

President DCM.

SUMMING-UP BY THE JUDGE ADVOCATE.

Sir, it is now my duty to advise the Court on points of law and also to sum-up the evidence for the Court. As far as the evidence is concerned I shall try and only list the evidence without passing an opinion upon it. I shall also deal with the three charges separately.

The first charge alleges that at the place, time and circumstances as set out in the charge the accused drove a service vehicle in a negligent manner. Generally it can be said that negligence is a failure to comply with or to perform a duty. In every enterprise one owes the duty to use diligence. Now, generally only ordinary diligence is required; that is, such care as a man would ordinarily use in similar circumstances. The degree of care, however, varies with the circumstances and with the persons involved. It can be said that the driver of a motor vehicle is required to use a high degree of diligence due to his training and due to the complicated and potentially dangerous nature of his vehicle. We can thus say that Cpl Eves was bound to use the diligence required of a driver of a motor vehicle and the diligence required of a regular army corporal. It is up to you to decide as a question of fact whether or not the accused observed the diligence which should be expected from a motor-vehicle operator and from a corporal.

In deciding this you will find the note to Section 40 of the Army Act, from which the Defending Officer quoted certain parts, very helpful. I think that this note is so important as an explanation that I shall read it to you in toto: "Neglect to be punishable under this section must be blameworthy. If neglect is wilful, that is, intentional, it is clearly blameworthy. If it is caused by an honest error of judgment and involves no lack of zeal and no element of carelessness or intentional failure to take the proper action, it is equally clear that it is blameless and cannot be a ground for conviction. Where it is not thus completely blameless the degree of blameworthiness naturally varies, and a court trying such a case must consider the whole circumstances of the case and in particular the responsibility of the accused. For instance, a high degree of care can rightly be demanded of an officer or soldier who is in charge of an armoured vehicle or an aircraft or is responsible for its condition, or who is handling explosives or highly inflammable material, where a slight degree of negligence may involve danger to life; and in such circumstances a small degree of negligence may be so blameworthy as to justify conviction and punishment. On the other hand, such a slight degree of negligence resulting from forgetfulness or inadvertence, in relation to a matter that does not rightly demand a very high degree of care, would not be judged so blameworthy as to justify conviction and punishment. The essential for the Court to consider is whether in the whole circumstances of the case as they existed at the time of the offence the degree of neglect proved is such as, having regard to the evidence and their military knowledge as to the amount of care that ought to have been exercised, renders the neglect so substantially blameworthy as to be deserving of punishment."

To say briefly again, the accused is an operator - licenced operator of motor vehicles and he is a regular army corporal. He was driving a vehicle and he was at the very least bound to use such care as a licenced motor-vehicle operator and a regular army corporal has to use when driving a service vehicle. What care he should have used is a question of fact which you must decide.

Now, in deciding whether or not Cpl Eves was negligent as charged in charge number one you must dismiss from your mind for the time being the substance of charge two. Even if you should have already come to the conclusion that the accused was on an unauthorized jaunt there still would be no causal or connection between the lack of authority for the journey and the accident. You must tackle the question of whether or not the accused was negligent without regard to the reasons for which he undertook his journey. I think that is quite clear. You must decide on charge one whether he was negligent or not. The facts that ~~you ought to put~~ ~~has placed~~ in your mind ~~or not~~ that he might have been on an unauthorized journey has nothing to do with the driving at the time of the accident.

Now, evidence relating to the question whether or not the accused was negligent is roughly as follows: Mr. Burley said that the road was dry; that there was firm gravel in the middle of the road at the place of the accident; that the gravel was loose on the sides; that this is a dangerous corner where accidents have happened before; that the turn is partly obscured by a tree. He also testified that the vehicle was lying on its side off the road and that there were marks on the tree which indicated that the vehicle might have grazed the tree before turning over.

The witness Willard made an estimate of the accused's speed at the time of the accident of approximately 25 miles an hour. Now, you must relate this statement to the man and you must decide whether or not the witness, the witness Willard, was able to estimate speed as he was coming head-on against the accused and only saw the accused after he reached the top of the hill and was already sliding. This you must relate to his statement that he was going approximately 25 miles an hour. Willard also said that there is loose gravel all over the road and that there is accumulated loose gravel forming a mound, a little hill, all along the road. He said it is a dangerous corner which claimed four accidents in four years, as far as he knows. He also testified that the accused appeared at his house not long after the accident happened.

Now, very important is Constable Smith, a witness whom you might also consider an expert witness because he is a Provincial Constable of 20 years standing and has been in the area for a good many years; and he has investigated numerous accidents. He says that the place of the accident is a county road with gravel surface, approximately 16 feet wide. The road was dry and in good condition. The visibility was good. On further questioning he said that it was not a bad road but could be improved. It is true what the Defending Officer says that he stated that he did not prosecute the accused but it is also true that he said in cross-examination that he thought that the army would deal with the man and that if the accused had been a civilian that he believes that he would have been charged with careless driving. He explains the accident with the fact that the accused did not have the vehicle under control, because otherwise he could have negotiated this turn. Now, you must not take this already as a sign of carelessness. One can lose control of a vehicle for accidental causes. The witness also measured skid marks. These skid marks were roughly 60 feet long. They started in the middle of the road and came closer and closer to the shoulder. The vehicle grazed the tree, then struck a boulder which was also lying in the grass by the road. The vehicle in the end lay on its side 35 feet past the tree and some 15 feet past the boulder. The Constable caused the vehicle to be removed to Mr. Burley's garage and put it into Mr. Burley's charge. He also saw the accused not long after the accident, approximately one hour. The accused came to the place of the accident; he had wet feet, was slightly injured. I should say also that the Constable obtained the Work Ticket, which is Exhibit "K", from the police and turned it later, the next day, over to Capt Bell.

Now, Capt Bell states that he merely saw the damaged vehicle in Burley's garage and that he obtained the Work Ticket from Cpl Smith. He is unable to give any evidence as to the accident itself.

Warrant Officer Buck inspected the vehicle after the accident and believes that the vehicle could be repaired for a total expenditure to the Army of approximately $200.00.

The witness, Spr Loughridge, knows nothing about the accident and can merely testify that Cpl Eves was on the critical day the last person to drive the car and in fact drove away from Fort Frontenac at the controls of the car roughly two hours before the accident happened.

JG

You also have in front of you a map which shows the situation. Both sides agree that it is a fair representation of the ground. From the map I would judge that the turn is roughly a thirty-degree curve, which is nothing extraordinary for a car to go around. The Work Ticket shows that particular day the driver who signs the Work Tickets was in the three places listed on the Works Ticket, Spr Loughridge. Now, this is the evidence about charge number one.

Now, there is no direct evidence that the accused was actually at the controls when the accident happened. But there is circumstantial evidence. First of all, the accused was the last man seen to drive the car. After the accident happened the accused was in the neighbourhood. And after the accident happened the accused appeared to be injured as if he had been in an accident. Now, you are perfectly entitled to use circumstantial evidence because circumstantial evidence is basically just as good as direct evidence. But you must only use it if there is no other reasonable explanation which would shatter this circumstantial evidence; if there is nothing by which facts from which you draw circumstantial evidence could be explained in a different manner.

Now, you are also entitled to use your own knowledge or service knowledge in relation to such facts as the distance between Kingston and the place of the accident, which apparently was a couple of miles north of Odessa, and also to answer the question whether or not this was outside of Kingston area.

As far as charge two is concerned the charge is very straightforward. It is a mere question of weighing evidence. Now, the Works Ticket merely shows three entries with always Spr Loughridge as the driver and the last entry shows 1455 hours as the time of the completion of the job. Now, you have heard evidence today that these Works Tickets were not taken very seriously in this particular case. For instance, we know that this car was driven on this same day as late as 1720 hours without any entry in the Works Ticket. Also the control of the Works Tickets seems to have been rather superficial; eg, for instance, we have understood from the cross-examination of the Defending Officer that he is in possession of other Works Tickets - which the Court, of course, has not seen - which do not show at all the completion of certain jobs. We also know that these Works Tickets were signed by a number of persons and that one of the persons who could authorize trips was the accused himself.

Now, Capt Bell has, upon being asked, stated that under no circumstances was anybody entitled to use service vehicles in his Unit, or Unit over which he has control, for other than Government business. I have already said that you can use your own knowledge to determine what normally could be called the King's business. You must also use your service knowledge in answering the question whether or not a corporal should have known or was in a position to know that Government vehicles are not to be used on jaunts of one's own. You, of course, also must determine from the evidence whether this was a jaunt of his own or a trip in the interests of the Service.

Finally, we come to the charge number three. I am somewhat puzzled by this charge. During cross-examination by the Defending Officer it appeared that the Defending Officer is in possession of certain facts which show that the order to which the third charge refers, that is, standing orders for drivers of MT vehicles and universal carriers and motorcyclists, para 3(j), is no longer in force. As a matter of fact, he submitted to the Witness, Bell, a document which apparently was an order which rescinded these standing orders mentioned in charge three. I expected that these orders would then be submitted as a matter of defence. However, these orders are not before us now. But Capt Bell as much as admitted under cross-examination that this order was rescinded and that merely the booklets, of which Exhibit "L" is the booklet which was issued to the accused himself, were not exchanged for the new order-booklets because these new order-booklets did not arrive at the Station. But if you accept Capt Bell's evidence, and as Capt Bell's evidence is pretty strong if you consider it together with the fact that the Defending Officer submitted to him an order purporting that this order was rescinded, then the explanation that an old order book was used just because there was not a new order book would be an exceedingly weak one.

If the order was rescinded, then the order was not in existence at the time of the accident. If you should find that these standing orders referred to in the third charge were not in force at the time of the accident, you have no option but to acquit the accused of the third charge.

I would also like to draw your attention to the fact that charge number one alleges that the approximate cost of repairs to the vehicle is $350.78. Now, Warrant Officer Buck has estimated the same costs of repairs at $200.00. Well, now, this is not one of the things which could not be repaired by the Court. You could, in fact, if you feel that in all other respects the first charge is proved, you could find the accused guilty of the first charge and make a special finding that the costs of repairs are merely approximately $200.00, which is a special finding you would make under Rule of Procedure 44(D), which reads as follows: "Where the court are opinion as regards any charge that the facts which they find to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, they may, instead of a finding of 'not guilty', record a special finding." Now, obviously whether the cost of repairs were $200.00 or $350.00 is not really material to the first charge and the accused was not prejudiced by the fact that he was charged as if the cost of repairs had been $350.00 while they were in fact, according to the witness Buck, only $200.00.

Now, this is the evidence as I see it, and apart from the question what is negligence which is punishable and what negligence is not punishable, there are no questions of law involved.

You will now come to a finding in closed court and in my absence. The findings open to you are: guilty or not guilty of the first charge. If you find the accused guilty you might find him guilty of the first charge except that the cost of repairs to the vehicle were only approximately $200.00, if you find fit to make a special finding. Then you might find guilty or not guilty of the second charge, and guilty or not guilty of the third charge.

In coming to a finding, in general, you must always bear in mind that the burden of proof is entirely on the prosecution. This is very simple in the present case because all the proof there is before you was actually provided by the prosecution today. Now, the prosecution must prove to your satisfaction beyond reasonable doubt that the offence as charged was committed and that it was the accused who committed the offence. It is difficult to define what "beyond reasonable doubt" is. It is impossible for human beings to reach absolute proof. But the next best to absolute truth is moral conviction. You must not find the accused guilty unless you are morally sure that he is guilty as charged. This is actually all I would like to say in relation to this case.

H G Quarrie Maj
President DCM.

Witness as to character and particulars of service of the accused, ZP 1252 Capt D C MacMillan.

QUESTIONED BY THE JUDGE ADVOCATE.

Q 243 Is not the accused under close arrest now?
A No, he has never been under close arrest. He has been released from arrest without prejudice to re-arrest.

Q 244 We better enter that he is under close arrest one day because he could not be under escort unless he is under arrest.
A Yes.

Q 245 Arrest, one day. Now, which is the date of his original--

ACCUSED:

16th of May, 42.

Q 246 And when was he promoted Corporal?
A On the 11th of June, 48, he had been a Corporal for two years, six months and seven days.

Q 247 First of December, 46?

ACCUSED:

December, 45.

Q 278 Is the accused married?
A Yes.

Q 279 Has the accused any children?
A Two.

Q 280 And where is the accused living now?
A The accused is living in his own home in Kingston which he has recently purchased and which I believe he has considerable financial obligations to meet in connection with the purchase of this home.

Q 281 And what is the accused's net pay?
A $152.00 a month.

Q 282 That is net?
A That is the total pay.

QUESTIONED BY THE PRESIDENT.

Q 283 How old are the children?
A Five and two.

H. E. Evans Maj
President DCM.

ADDRESS IN MITIGATION OF PUNISHMENT BY THE DEFENDING OFFICER.

I think it has been brought up by all the witnesses that the accused, Cpl Eves - both the character witnesses for him - speaks pretty well for itself. It is my own opinion that Cpl Eves has got himself into a slight mix-up and I certainly would like to ask the Court to take into consideration this man's record, previous record up to the time he was involved in this accident, his war record, and everyone who has spoke on his behalf has pointed out that he has been an excellent workman and a good soldier. And I think it would certainly be a shame to ruin his career by too stiff a penalty. An accident was carried out and I think there were lots of circumstances to it which if under different circumstances the accident wouldn't have allowed to happen. I think the Court realizes what I am getting at, that it is a unit's duty to not to put junior NCOs in a position where they are going to have the leeway to get themselves involved, and I think that is one of the functions of having officers in the Army and senior WOs and senior NCOs. I hope the Court does bear in mind the man's good record when the sentence is passed.

Y H.Q. Treasury Mess PRES. D.C.M.

M.F.R. 355
50M—4-45 (7476)
H.Q. 1773-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
SC 10284	Cpl.	EVES, W.C.	No. 3 Works Coy, RCE

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

	Within last 12 months	Since enlistment or appointment
For	Nil times	Nil times
For	times	times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~

~~or,~~

There are no entries in the conduct sheets of the accused.

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

~~2. The accused has not been previously convicted~~

~~or,~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under ~~Air Force Act~~ ~~A.F.A. 73~~ Section 47 of the Army Act and dispensations with trial under ~~A.A. 73~~ are set out in the Schedule annexed to this statement.

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

~~or,~~

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

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

5. The present age of the accused according to his record of service is attestation paper 27

6. The date of his ~~enlistment~~ attestation specified in his record of service is 1 Oct 46 enrolment and attestation paper

7. The service which the accused is allowed to reckon towards discharge is 2 years 8 months

8. The accused is entitled to reckon 16 May 42 service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled ~~to no air force decoration, or air force reward (or is in possession of or entitled to)~~. State any air force decoration or reward military 1939-45 Star, France, Germany Star, military Defence Medal military War Medal & CVSM with Clasp

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.)~~ The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit dated ..... and ~~in his regiment~~ (or corps) the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of Corporal 2 yrs 6mos 7 days - eff 11 June 48. years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

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, Number ..... Rank ..... Air Force Unit Name ..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

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 14 day of June D.C. MacMillan, Capt., RCE

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 proceedings.

No. 10284 Name EVES, W.C.

Sqn., Battery, or Company

Corps RCE

Date of enlistment 1

C.C. Badges

Tradesmen's Rates of Pay Carp Cp.11

M.F.M. 6 (A.F.B.122) 750M—12-43 (7537) H.Q.—1277-56-1652

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Sheet No. 1

Signature O.C. Company, Sgd (W.H. Kayes) Major, RCE

Character Good

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				No entries					

CERTIFIED TRUE COPY

(D.C. MacMillan) Capt.

(P.T.O.)

H.Q.C. 55-E-362 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

ELKIN, ALBERT SB.86511 CFN.

CONFIDENTIAL
H.Q.C. 55-E-362

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
				(If purpose for which referred cannot be expressed on one line, add minute to file and explain here with blue pencil)			
				ADM (B)	NEW FILE OR		8-3-49
				JAG	Passed	KMS	8.3.49
MAR 16 1949	2nd Mar 49	Pa	WSG	Dadmin	To note + PA		14/3/49

NOTICE

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

PASS THIS FILE IN ENVELOPE

HQC 55-8-362 (JAG/O)

XXXXX

Office of the Judge Advocate General

14 Mar 49

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

District Court-Martial
WD/SS.86511 Gnr. XXXXn, A.

Receipt is acknowledged of your WD/SS.86511 (A) dated 26 Feb 49, enclosing proceedings of the s/m District Court-Martial. These proceedings were entered in our records as No. 47067 on 9 Mar 49.

2. Upon review, it has been noted that the names of the waiting members have been improperly included on page "A" of these proceedings when it does not appear that they sat as members of the Court.

WWS

WWS/BR

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

(P)

H.Q. C.55-E-362
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No SB.86511 Name ELKIN, Albert

Rank Cfn. Unit No 11 Pers Depot

Charge AA 15(1) - Absenting Himself Without Leave - Absent from 1300 hrs 6 Dec 48 to 1330 hrs 31 Jan 49 (Surrendered).

AA 24(2) - Losing By Neglect His Equipment, Clothing and Regimental Necessaries Value $24.33

Date of Crime (1) 6 Dec 48; (2) 14 Jan 49;

Date of Arrest 31 January 1949 Charge Signed 4 February 1949

Orders for D.C.M. 4 February 1949

Place and Date of Trial HQ, BC Area, 8 February 1949

Sentence Fifty Days Detention; Stoppages $24.33

Date of Confirmation 11 February 1949

Date of Promulgation 11 February 1949

Entered in Records of J.A.G. as No. 47007

Date 9 March 1949

MEMO Accused found GUILTY of both charges; Twenty-two days detention remitted on confirmation.

W.M.W. Shaw Lt Col

for Judge Advocate-General

SM-S-48(M-709)

IN REPLY PLEASE QUOTE No. WC/SB.86511 (A)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

RECEIVED MAR 7 1949 Fds Postry

DIRECTORATE OF ARMY MAR 8 1949

Headquarters, Western Command,
EDMONTON, Alberta,
26 Feb 49

Referred to
MAR 5 1949
File No. C.55-E-262
Ctd to Admin 22/2

Army Headquarters,
OTTAWA, Ont.

Proceedings - District Court-Martial
SB.86511 Cfn. Elkin, A.

The Proceedings of a District Court-Martial convened to try the accused, SB.86511 Cfn. Elkin, A. on two charges, are forwarded herewith.

2. Cfn. Elkin was found guilty of absenting himself without leave and sentenced to 50 days detention, (of which 22 days were remitted), and guilty of losing by neglect, clothing and regimental necessaries and to make good the value of $24.33.

3. The Proceedings were reviewed by AJAG and the sentence has been confirmed by the Commander, B.C. Area, promulgated and extracts taken, as shown on Page "F" of the Proceedings.

4. The Proceedings have been reviewed in accordance with CAO 62-3 and administrative actions as result of the Proceedings are not considered necessary.

Waiting members on Page A.

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

NAT. DEF. 8 440
30000M—12-47 (3261)
H.Q. 1776-19-787

M.F.M. 6

Date of Birth 24 Feb 1917

Reg. No. SB-86511 Name ELKIN Albert Corps RCEME

Date of enlistment or enrolment 15 Jul 47

Signature O.C. Company, etc. No. 2 District Depot (AF)

Sheet No. of *1, 2, 3, 4, 5

*Place check mark against number of sheets in use.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order dispensing with trial	By whom awarded	Remarks

(P.T.O.)

M.F.M. 6—500M—8-44 (5396)
H.Q. 1772-99-1653

MEDICAL OFFICER'S REPORT

Awarded D.C.M.

I certify that No. SB 86511 Pte ELKIN A.

of 11 Pers Depot is in a good state of health,

and fit to undergo Trial by Court martial.

Medical Officer

Station 11 Personnel Depot, Vancouver, B. C.

Date 8 February, 1949.

M. F. B. 246

NAM—3-45 (254)
H.Q. 1773-30-480

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

A

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

Proceedings of a District Court-Martial held at Conference Room HQ BC Area on the 8th day of February 1949 by order of Brigadier M. P. Bogert DSO OBE Commanding the British Columbia Area Canadian Army dated the 4th day of February 1949

President.

SB 2972 Major F. D. Smith,
Vancouver Wireless Station, Vancouver, B. C.
Members.

ZC 162 Capt W. O. B. Findlay,
Assistant Resident Staff Officer UBC Cont COTC

ZP 2238 Capt A. J. Gray,
Area Int Officer

WAITING MEMBERS

ZK 2183 Lt V. J. Tyerman,
11 Coy RCASC

ZL 3306 Lt W. J. Larter,
17 Reg Ord Depot ROOC

S/L G. W. Brown, North West Air Command, , Judge Advocate.

Trial of* SB 86511 CFN Albert ELKIN, No.11 Personnel Depot.

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

~~The Court satisfy themselves that is not available to serve owing to.~~

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

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

The accused is brought before the Court.

Prosecutor,† ZL 237 Capt. G. G. Brown, Area Cadet Officer.

~~Counsel† or~~ defending officer† ZC 2633 Capt B. L. Button, Area Pers Officer

at 1030 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed 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.

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

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

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

---

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

‡ I have satisfied myself that none of the officers detailed as members of this Court has perviously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

Mil. Form B. 271
20M—7-42 (5387)
H.Q. 1772-30-224

B

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

The following officers under instruction are duly sworn.

ZL 3306 Lt W. J. Later, 17 Reg Ord Depot

Q. 2 **Do you object to Miss Elaine Macdonald acting as shorthand writer?**

A. 2 **No, Sir.**
- - - - - Miss Elaine Macdonald is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

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

A.3 **Yes, Sir.**

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

A.4 **Guilty, Sir.** *Answer.*

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

A.5 **Guilty, Sir.** *Answer.*

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

Answer.

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

Answer.

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

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

Exhibit President. DCM. -3-

CHARGE SHEET

The accused SB86511 Cfn Albert ELKIN, Royal Canadian Electrical and Mechanical Engineers, #XI Personnel Depot, a soldier of the Canadian Army (Active Force) is charged with

FIRST CHARGE
Army Act
Sec 15

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Vancouver, British Columbia at 1300 hours 6th of December, 1948, absented himself without leave from #XI Personnel Depot, until surrendering himself to Military Authorities at Vancouver, British Columbia at 1330 hours 31 January 1949.

SECOND CHARGE
Army Act
Sec 24 (2)

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING, AND REGIMENTAL NECESSARIES.

in that he

at Vancouver, British Columbia on the 14th January 1949, was deficient

A. 13000	Gloves woollen prs	1	.63
A. 13700	Greatcoats drab	1	12.54
A. 21450	Milits pullover leather prs	1	.89
B. 450	Blouses battledress	1	6.19
B. 8350	Shirts undercotton	1	.40
B. 8850	Socks G.S. prs	1	.44
B. 10200	Trousers battledress	1	6.20
C. 750	Brushes boot polishing	1	.20
C. 800	" cloth	1.	.10
C. 850	" button	1	.16
C. 1100	Combs hair	1	.04
C. 1500	Knives table	1	.17
C. 2250	Sticks button	1	.04
C. 2400	Towels hand	2	.60
C. 1300	Forks table	1	.08
1A. 3300	Bottles water Mk 7	1	.62
1A. 30300	Tins mess	1	.57
LV. 18900	Sheets ground drab Mk 8	1	2.38
			32.44
	Less 25% Fair wear		8.11
			24.33

Waterman.

Vancouver,
British Columbia
4 February, 1949.

(RSE WATERMAN) MAJOR RCIC
Officer Commanding
XI Personnel Depot

TO BE TRIED BY DISTRICT COURT MARTIAL

Matthers.

Vancouver,
British Columbia
4 February, 1949.

(W.W. MATHERS) Major
D.A.A.G.
For Commander B.C. Area
Canadian Army

CC

Proceedings on Plea of Guilty

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

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

The accused SB 86511 Cfn Albert Elkin, No.11 Personnel Depot, is found guilty of both charges.

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

Q.6 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.6 *Answer.* ~~The accused in mitigation of punishment says:~~ My Defending Officer will speak for me later on, Sir.

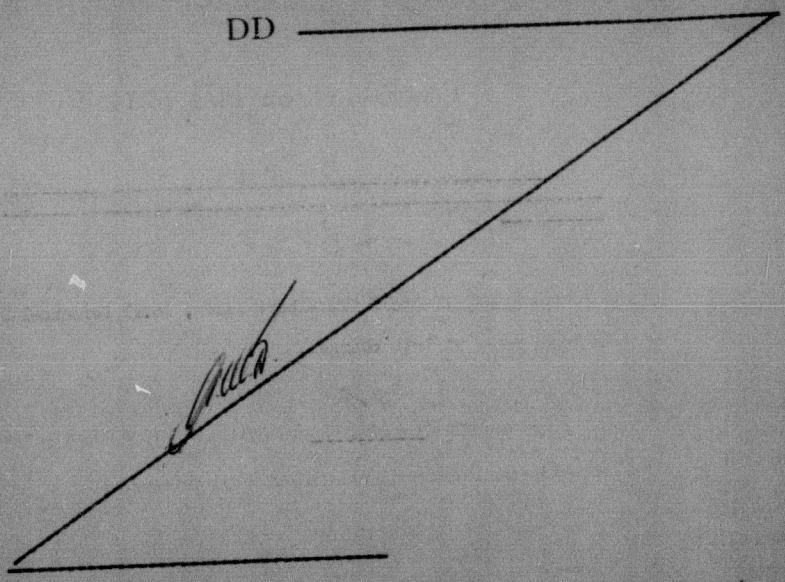
~~[or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]~~

Instruction.

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

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

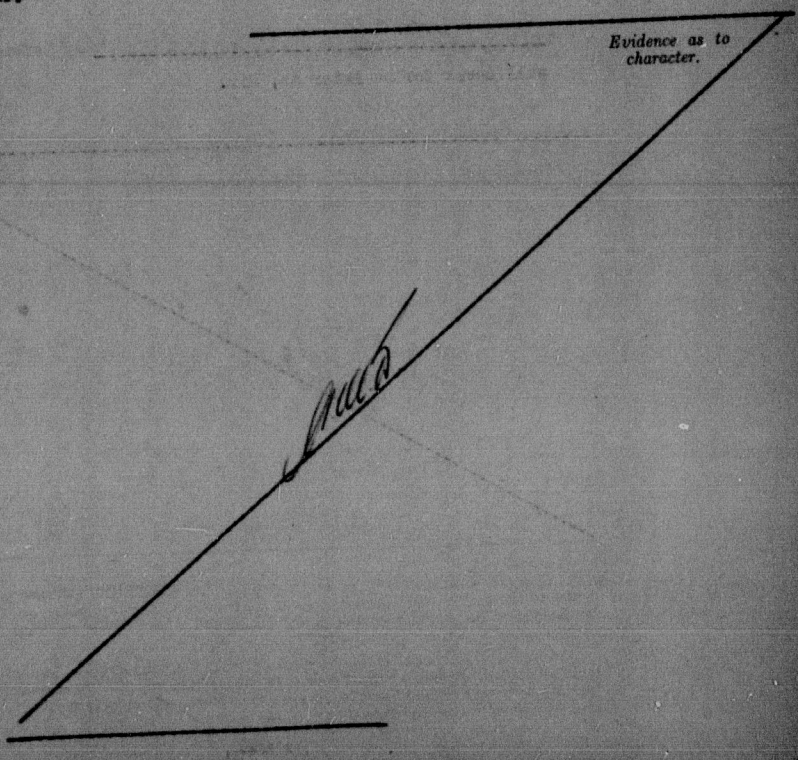
DD



Q.7 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A.7 No, Sir. *Answer.*

Evidence as to character.



E

*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

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

Proceedings on Conviction *before Sentence*

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

ZL 237 Captain G. C. Brown, Headquarters, B. C. Area, Canadian Army, is duly sworn.

Evidence of character, etc.

Q.8 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

A.8 I have, Sir, MFB355, Statement as to Character and Particulars of Service of Accused.

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

Q.9 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

A.9 He is, Sir.

Q.10 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.*

A.10 I have, Sir.

Q.11 *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.*

A.11 They are, Sir.

*~~Cross-examined by the accused.~~

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE THE WITNESS

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

- - - THE WITNESS RESUMES HIS SEAT.

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

Q.12 *Question to the accused.* Do you wish to address the Court? *Answer.*

A.12 My Defending Officer will speak for me (See attached document marked "H")

At 1105 hours The Court is closed for the consideration of the sentence.

At 1135 hours The Court is re-opened and ~~(if)~~ the accused is again brought before it. The sentence is announced in open Court; the sentence is announced as being subject to confirmation.

F

Sentence

The Court sentence the accused SB 86511 Craftsman Albert Elkin, No.11 Personnel Depot to undergo detention for fifty (50) days and to be placed under stoppages of pay in the sum of twenty-four dollars and thirty-three cents ($24.33) to make good the deficiencies set out in the second charge.

Sentence.
50 days
Detention
Stoppages
$24.33

Signed at Vancouver, British Columbia, this 8th day of February, 1949.

(P. D. Smith) MAJOR
PRESIDENT

(G. W. Brown) Squadron Leader,
JUDGE-ADVOCATE

CONFIRMATION

I confirm the finding and sentence of the Court, but remit twenty two (22) days of the award of detention.

(RH [illegible]) Lt Col
A/COMMANDER BC AREA
CANADIAN ARMY

Vancouver
British Columbia
11th February 1949

Extracts entered as No.47007 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 12th day of June 1949

PROMULGATION

Promulgated and extracts taken at Vancouver, B.C., this 11th day of February 1949.

(R.S.M. WATERMAN) Major
Officer Commanding
Officer in charge of Documents
11 Personnel Depot

"X"

Witness Major
President DCM

Orders by BRIGADIER M.P. BOGERT DSO OBE Commanding

the BRITISH COLUMBIA AREA CANADIAN ARMY

District Court-Martial
SB 86511 Cfn ELKIN, Albert
No. 11 Personnel Depot

4th February 1949

The detail of Officers as mentioned below will assemble

at The Conference Room HQ BC Area on Tuesday

the 8th day of February 1949 at 1030 hours for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

SB 2972	Major	F.D.	SMITH	Vancouver Wireless Station

is appointed President.

MEMBERS

ZC 162	Capt	W.C.B.	FINDLAY	Assistant Resident Staff Officer UBC Cont COTC
ZP 2238	Capt	A.J.	GRAY	Area Int Officer

WAITING MEMBERS

ZK 2183	Lt	V.J.	TYERMAN	11 Coy RCASC
ZL 3306	Lt	W.J.	LARTER	17 Reg Ord Depot RCOC

JUDGE ADVOCATE

S/L G.W. BROWN has been ~~(not detailed)~~ appointed
Judge Advocate AJAG North Wester Air Command

PROSECUTOR

ZL 837 Capt. G.G. BROWN has been ~~(not detailed)~~ appointed
Prosecutor Area Cadet Officer

DEFENDING OFFICER

ZC 2633 Capt B.L. BUTTON has been ~~(not detailed)~~ appointed
Defending Officer Area Pers Officer

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

The Camp Commandant, H.Q. BC Area will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to D A A G BC Area

Signed this 4th day of February 1949

W.W. Mathers.
(WW MATHERS) MAJOR
D A A G
FOR COMMANDER BC AREA
CANADIAN ARMY

M.F.B. 220
A.F.A. 47
20M—10-42 (6502)
H.Q. 1772-20-504

Warwick, Maj
Evidence, DCM

SUMMARY OF EVIDENCE

IN THE

CASE

of

SB 86511 Cfn Albert ELKIN, Royal Canadian Electrical and Mechanical Engineers, #XI Personnel Depot, a soldier of the Canadian Army (Active Force).

SUMMARY OF EVIDENCE

In the case of SB86511 Cfn Albert ELKIN, Royal Canadian ~~Electrical and Mechanical Engineers~~, #XI Personnel Depot, a soldier in the Canadian Army (Active Force).

(1) Under Section 12 (1) AA deserting His Majesty's Service in that he at Vancouver, B.C. on the 6th of December, 1948, after being warned to proceed on draft with intent to avoid so proceeding, absented himself without leave from #XI Personnel Depot from 1300 hours 6th December 1948 until surrendering himself to SK12486 Cpl FULTON, RJ, Chief Clerk, at #XI Personnel Depot, Vancouver, B.C. at 1445 hours 31 January 1949, dressed in uniform.

(2) Under Section 24 AA (2) with losing by neglect his equipment, clothing and regimental necessaries in that he at Vancouver, B.C. on the 6th of December 1948 was found to be deficient of equipment, clothing and regimental necessaries to the value of $81.97.

The Commanding Officer directs that the Evidence of the Witnesses shall be taken on oath.

The documents listed hereunder and purported to be pertaining to the accused were read by the Officer detailed to take the Summary of Evidence to the accused. The accused does not question the documents. The documents are initialled by the Officer detailed to take the Summary and attached as: EXHIBIT "A"

A certified true copy of the Record of the Declaration of a Court of Inquiry convened at Vancouver, B.C. on 14th January 1949.

1ST WITNESS SK12426 Cpl FULTON, RJ, Chief Clerk #XI Personnel Depot, Vancouver, B.C. having been duly sworn states:

I am SK12426 Cpl FULTON, RJ, Chief Clerk, #XI Personnel Depot. On the morning of December 6th, 1948, Cfn ELKIN was paraded to the Officer Commanding #XI Personnel Depot and warned that he was to leave for Kingston that night. At the time he was warned I was present and was told to take Cfn ELKIN and prepare his documents for draft as he was to leave that night. Cfn ELKIN requested time to pack etc, so I told him to report back at 1300 hours, and at that time I would have his Travel Warrant and Route Letter. He did not report to me and I did not see him again until he reported to the Orderly Room on the 31st of January 1949. At approximately 1330 hours 31 January 1949 Cfn ELKIN reported to our office to surrender himself. I informed the Provost Officer that he had reported and he asked me to have him report to him, which I did.

The accused declines to cross-examine this witness.

RJ Fulton

(SK12426 Cpl FULTON, RJ)

2ND WITNESS , SP7483 SJT HOOPER, PTF, HQ BC Area having been duly sworn states:

I am SP7483 Sjt HOOPER, PTF, Quartermaster of BC Area and XI Personnel Depot. On the 4th of February, 1949 I checked the kit turned in by Gfn ELKIN against the kit, he was found to be deficient at the Court of Inquiry held on 14 January 1949 and I found him still deficient the following articles:

A 13000	Gloves woollen prs	1 @	.63	.63
A 13700	Greatcoats drab	1 @	12.53	12.54
A 21450	Mitts pullover leather prs	1 @	.89	.89
B 450	Blouses battledress	1 @	6.19	6.19
B 8350	Shirts undercotton	1 @	.40	.40
B 8850	Socks G.S. prs	1 @	.44	.44
B 10200	Trousers battledress	1 @	6.20	6.20
C 750	Brushes boot polishing	1 @	.20	.20
C 800	" cloth	1 @	.10	.10
C 850	" button	1 @	.16	.16
C 1100	Combs hair	1 @	.04	.04
C 1500	Knives table	1 @	.17	.17
C 2250	Sticks button	1 @	.04	.04
C 2400	Towels hand	2 @	.30	.60
C 1300	Forks table	1 @	.08	.08
1A3300	Bottles water Mk 7	1 @	.62	.62
1A30300	Tins mess	1 @	.57	.57
1J18900	Sheets ground drab Mk 8	1 @	2.38	2.38
			Total	32.44

I present to the Court a list of the articles with statement of value that the accused is deficient at this date: Exhibit 'B'

SP7483 Sjt HOOPER, PTF
Quartermaster BC Area

The accused declines to cross-examine the witness.

The accused calls SP21412 CSM (WOII) KELLY, JH, Camp Sjt Major HQ BC Area.

3RD WITNESS

SP21412 CSM (WOII) KELLY,JH, Camp Sjt Major HQ BC Area having been duly sworn. The accused questions the witness as follows:

Q 1 Did I have a chance to make redress to a higher authority when I was paraded to be sent back East?

A 1 To thebest of my knowledge no requestfor redress was made.

Q 2 Was I allowed to speak?

A 2 The accused was formally paraded and told he was to return to his parent unit;

J H Kelly

SP21412 CSM (WOII) KELLY, JH
Camp Sjt Major HQ BC Area

The accused was cautioned as follows:
"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."
The accused reserves his defence.

Certified that rules of procedure 4 (C), (D), (E), and (F) have been complied with.

Taken down by me in writing in the hearing and presence of the accused this 4th day of Feb 49.

Geo H Brown

(GG BROWN) CAPT RCIC
Officer Detailed to Take
Summary of Evidence.

Vancouver, BC
4th Feb 1949.

EXHIBIT A-28

RECORD of the Declaration of a Court of Inquiry assembled at HQ BC Area, Vancouver, BC on the 14th day of JANUARY 19 49, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. SB86511 Cfn ELKIN, A. of No II Personnel Depot

DECLARATION

The Court declare that No. SB86511 (Regt'l No.) Cfn (Rank)

Albert ELKIN (Full Name) NO II Personnel Depot (Unit)

illegally absented himself without leave

at Vancouver, BC (Place) at 1300 hours on the 6th day of December 1948,

that he is still so absent, and that on the 6th December 1948 he was deficient, and that he is still deficient of the following articles:— See attached list

ARTICLES		VALUE	ARTICLES		VALUE
A4500	Caps mechanic black	1 @	.18		.18
A7700	Coats water proof army	1 @	$ 6.58		6.58
A13000	Gloves woollen prs	1 @	.63		.63
A13700	Greatcoats Drab	1 @	12.54		12.54
A21450	Mitts pullover leather prs	1 @	.89		.89
A24000	Overalls combination	2 @	2.40		4.80
B300	Berets Khaki	1 @	1.14		1.14
B450	Blouses battledress	2 @	6.19		12.38
B700	Boots ankle army prs	2 @	5.54		11.08
B3300	Drawers cotton short	2 @	.40		.80
B5100	Jackets khaki drill o/c	2 @	3.42		6.84
B6150	Jackets sweater	1 @	1.33		1.33
B7850	Puttees short drab prs	1 @	.53		.53
B7950	Shirts khaki cotton	3 @	1.86		4.58
B8700	Shoes canvas prs	1 @	2.18		2.18
B8350	Shirts undercotton	2 @	.40		.80
B8750	Shoes leather black prs	1 @	4.61		4.61
B8850	Socks G.S. prs	4 @	.44		1.76
B10200	Trousers battledress	2 @	6.20		12.40
B10350	Trousers khaki drill long	2 @	1.80		3.60
C150	Bags kit Mk 3	1 @	1.58		1.58
C250	Belts waist 1½"	1 @	.24		.24
C650	Braces prs	1 @	.24		.24
C750	Brushes boot polishing	1 @	.20		.20
C800	" cloth	1 @	.10		.10
C850	" button	1 @	.16		.16
C900	" hair	1 @	.37		.37
C950	" shaving	1 @	.40		.40
C1000	" tpptj	1 @	.09		.09
C1100	Combs hair	1 @	.04		.04
C1350	Holdalls	1 @	.21		.21
C1400	Housewife	1 @	.33		.33
C1500	Knives table	1 @	.17		.17
C1650	Neckties black	1 @	.18		.18
C1850	Razors safety sets	1 @	.40		.40
C2100	Socks lightweight prs	2 @	.27		.54
C2250	Sticks button	1 @	.04		.04
C2400	Towels hand	2 @	.30		.60
C1050	Caps comforter	1 @	.41		.41
C1300	Forks table	1 @	.08		.08
D24400	Badges cap RCEME	1 @	.08		.08
D81500	Buttons G.S. large	4 @	.01		.04
D81550	Buttons G.S. small	4 @	.01		.04
D81400	Buckles brass	1 @	.06		.06
1A2500	Belts waist web patt .37	1 @	.73		.73
1A3300	Bottles water Mk 7	1 @	.62		.62
1A3450	Braces WE patt 37 left	1 @	.35		.35
1A3500	" " " " right	1 @	.33		.33
1A6950	Carriers waterbottle WE Patt 37	1 @	.37		.37
1A15280	Frogs web bayonet No.4 Mk 2	1 @	.12		.12
1A15800	Haversacks WE Patt 37	1 @	2.29		2.29
1A23600	Packs WE Patt 37	1 @	2.26		2.26
1A24800	Pouches Basic WE Patt 37	2 @	1.03		2.06
1A29300	Straps shoulder haversack Patt.37 Left	1 @	.31		.31
1A29350	" " Right	1 @	.31		.31
1A29500	Straps supporting WE Patt 37	2 @	.14		.28
1A30300	Tins Mess	1 @	.57		.57
1J18900	Sheets ground drab Mk 8	1 @	2.38		2.38
				Total	109.29
				less 25%	27.32
				Total deficient	81.97

EXHIBIT 'A' -18-

RECORD of the Declaration of a Court of Inquiry assembled at HQ BC Area, Vancouver, BC on the 14th day of JANUARY 19 49, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in

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ZP1646 Lt JA DOWSETT, HQ BC Area President
(Name) (Rank) (Unit)

SP21412 WOII JN KELLY II Personnel Depot Member
(Name) (Rank) (Unit)

Signed at Vancouver, BC Member
(Name) (Rank) (Unit)

this 2nd day of February 19 49

Signature of Commanding Officer R.S.E. Waterman Major
(Name) (Rank) (Unit)
Camp Commandant, HQ BC Area.

Mil. Bk. 68
750-1-43 (8260)
H.Q. 1772-61-48

Certified True Copy
Lt JA DOWSETT
President

EXHIBIT 'B'

A 13000	Gloves woollen prs	1 @	.63	.63
A 13700	Greatcoats drab	1 @	12.54	12.54
A 21450	Mitts pullover leather prs	1 @	.89	.89
B 450	Blouses battledress	1 @	6.19	6.19
B 8350	Shirts undercotton	1 @	.40	.40
B 8850	Socks G.S. prs	1 @	.44	.44
B 10200	Trousers battledress	1 @	6.20	6.20
C 750	Brushes boot polishing	1 @	.20	.20
C 800	" cloth	1 @	.10	.10
C 850	" button	1 @	.16	.16
C 1100	Combs hair	1 @	.04	.04
C 1500	Knives table	1 @	.17	.17
C 2250	Sticks button	1 @	.04	.04
C 2400	Towels hand	2 @	.30	.60
C 1300	Forks table	1 @	.08	.08
1A 3300	Bottles water Mk 7	1 @	.62	.62
1A 30300	Tins mess	1 @	.57	.57
1J 18900	Sheets ground drab Mk 8	1 @	2.38	2.38
			Total	32.44
			less 25%	8.11
				24.33

Agreed.

ADDRESS BY DEFENDING OFFICER
IN MITIGATION OF PUNISHMENT

Mr. President and Gentlemen:

Cfn Elkin was TOS 11 Personnel Depot from #3 Coy RCEME, Kingston, Ontario, with effect 8 June 1948 for the purpose of attending a welding course at C.V.T.S. Vancouver, B.C.

While on this course, further difficulties developed between Elkin and his wife, who had remained in Kingston, which made unhappier an already unhappy marriage. As a consequence of these difficulties and the fact that Elkin had turned for consolation to, and later become involved with, another woman in Vancouver, he wrote his wife early in October requesting that she consider a divorce.

On receipt of this letter his wife came out to Vancouver and on the 27th of October a separation agreement was drawn up between Elkin and his wife. This agreement gave the infant children into the custody of Mrs. Elkin and ordered that Elkin pay $80.00 per monthfor the support of the children and Mrs. Elkin's maintenance. This payment to be reduced to $40.00 per month should Mrs. Elkin remarry. At the same time Elkin turned over all the furniture he owned in Kingston to his wife. The value of this furniture is from $1500.00 to $2000.00 and in order to legalize the transaction the furniture was sold for $1.00.

On the 21st of October, Elkin had paraded to the OC #11 Personnel Depot and requested that he be granted his 30 days privilege leave in Vancouver. At this time he also stated that he wished to be discharged in Vancouver, as he was being separated from his wife in a very short time and wished to make a fresh start in this city. The leave was subsequently granted and terminated on the 3rd day of Dec.

When Mrs. Elkin returned to the East after having received the separation from her husband she wrote two letters on the 9th and 11th of November to Lieut. McLaughlin of #3 Coy RCEME. In the letter dated 11th November she requested that her husband's discharge be frozen and that he be returned to Kingston. It will be remembered that at this time a legal separation was in effect which states:" The husband and wife shall live separate and apart one from the other henceforth and that the wife shall be free of the control and authority of the husband as if she were a femme sole and as if the marriage had and solemnized as aforesaid had not taken place."

As a result of these letters the Officer Commanding #3 Coy RCEME wrote the Officer Commanding #11 Personnel Depot and requested that Elkin be returned to that unit immediately upon expiration of the leave.

On the 6th day of December Elkin was paraded to the OC #11 Personnel Depot and requested once more that he be discharged in Vancouver in order that he could earn sufficient money to make his wife the payments agreed to in the separation order and also to assume the new financial responsibilities incurred.

On the basis of the letters received from the OC #3 Coy RCEME, the OC #11 Personnel Depot refused to grant this request and Elkin was not granted permission to have time enough to straighten out matters in Vancouver. Elkin was told that he must be on the train leaving Vancouver for the East that afternoon or he would be sent back to Kingston under escort. Because he felt

that he was not granted a fair hearing and because he had had the offer of a good paying job which would enable him to pull himself out of the financial mess, which faced him, he had only one alternative - that was to go A.W.L. He remained A.W.L. until surrendering himself on 31 Jan 49.

This A.W.L. was Elkin's first crime in 7½ years of service, 5 of which was O/S service. Here is a soldier with a great deal of experience in the service and one about whom the following remarks have been made - concerning his previous service, "Employed mainly as a motorcyclist and at vehicle despatching, he rose to the rank of Sgt and was considered a personality of strength with an abundance of energy, dependable and hard-working", and - concerning his progress at the welding course for which he came to Vancouver - "This student has had the complete course and is a qualified oxy-acetylene and arc-welder. His attitude toward his work was good and he works well with a group."

Surely it is obvious to this court that only an emotional upset of a very serious nature would cause as excellent a soldier as Elkin to take matters into his own hands and consider an infraction of discipline when he was fully aware of what the consequences of his actions would be. It is not an uncommon phenomenon to find judgment impaired after a long period of emotional stress. This soldier had laboured under such stress for some time and who can blame him for making this, his first service infraction, at such a time.

This soldier made all his moves in connection with the events leading up to his going A.W.L. in accordance with regulations. Through an unfortunate misunderstanding on the part of his officers, circumstances arose which left him unable to make any other decision than the one he made.

When the OC #3 Coy RCEME wrote the OC #11 Personnel Depot requesting that Elkin be returned to that unit on the basis of the wife's letter concerning the personal relstionship of her husband and herself, Elkin and his wife were legally seperated. Therefore, there was no reason why Elkin should return to that unit in view of the fact that he had already made application for discharge at #11 P.D.

Elkin's application for discharge was first made through the correct channels on 21st October which should have enabled him to be discharged well before he was expected to return to #3 Coy RCEME. In this respect para 4 (d) of AG Coord 236, dated 26 Nov 48, states: "an other rank who obtains his discharge by purchase under the provisions of K.R. Can 372 (vii) or (viii) will be discharged at the Personnel Depot nearest to the unit with which the soldier is serving at the time that his release is authorized."

As Elkin was accepted into the CA (AF) prior to 1 April 1948, he was eligible to be discharged on the authority of his present OC without reference to higher authority.

I say to this Court that Cfn Elkin was a victim of a chain of circumstances, not entirely brought on by himself, and as a result of these unfortunate circumstances, Cfn Elkin was left no alternative but to take the course he took.

Elkin has pleaded guilty to the charges and in so pleading throws himself on the mercy of the Court. When considering the sentence to be imposed, I beg of this Court that this soldier's excellent service record be considered and that the Court also take careful note of the facts mentioned, with particular regard to the fact that every step Elkin took prior to his being ordered back to Kingston was that of an other rank dealing with his officer through the accepted channels.

I am sure that this Court has no desire to add to this soldier's mental anguish and difficulties with which he is now beset. In view of the extenuating circumstances, I say to this Court that he has already suffered enough and that nothing would be gained by further punishment and therefore his sentence should be that of time already spent in custody.

Judge Advocate
Q 13 Are the matters mentioned by you raised as a complete defence on behalf of the accused or merely as highly mitigating circumstances?

Defending Officer
A 13 They are not raised as defence of the accused. He has pleaded guilty and they were raised merely to show there were mitigating circumstances.

RVH

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H.Q. 1772-39-628
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
SB 86511	CFN	ELKIN, Albert	R.C.E.M.E. 10 Pers. Depot

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

	Within last 12 months		Since enlistment or appointment	
For	Nil	times	Nil	times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~ or

There are no entries in the conduct sheets of the accused.

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

2. The accused has not been previously convicted by a court martial or a civil court. or

~~Previous convictions of the accused by a court-martial or a civil court of summary awards under~~ Air Force Act ~~A.F.A. 78~~ ~~Section 47 of the Army Act and dispensations with trial under A.A. 78 are set out in the Schedule annexed to this statement.~~

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

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

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and ~~48~~ 8 days in military custody, making a total of ~~48~~ 8 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ is attestation paper 32 Years

6. ~~The date of his commission specified in his record of service is~~ ~~attestation~~ ~~enrolment~~ ~~enrolment and attestation paper~~

7. The service which the accused is allowed to reckon towards discharge is 1 Year & 7 Months

8. The accused is entitled to reckon 1 Year 7 Mos. service for the purpose of determining his pension, etc.

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

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~~

-30-

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit dated, and in his regiment (or corps) the rank of dated.

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of years.

In the rank of years.

In the rank of years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

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, Number Rank Air Force Unit Name of Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

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 ~~5th~~ 8th day of February, 1949

(RSE WATERMAN) Maj. RCAF

~~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 proceedings.~~

H.Q.C. 55-E-363

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

EMSLIE, DAVID DONALD SM.6854 PTE.

CONFIDENTIAL
H.Q.C. 55-E-363

CENTRAL REGISTRY	DATE	P.A. OR R.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute".)		
				JAG	NEW FILE CR		19-4-49
APR 23 1949	22.4.49	PA	[illegible]	D Admin	Do note & PA		21/4/49

NOTICE

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

PASS THIS FILE IN ENVELOPE

CR - place on 55-E-363

FORM FOR REMISSION, COMMUTATION, MITIGATION, SUSPENSION OR PUTTING INTO EXECUTION OF SENTENCE AWARDED BY CsM

Command File No WC/SM.6854(A).

PART I

No. SM.6854 Rank Private Name EMSLIE, David Donald
Unit Princess Patricia's Canadian Light Infantry

PART II

Date of Trial. 21st March, 1949
Charge(s) Deserting His Majesty's Service
Losing by Neglect his Equipments, Clothing and Regt. Necessaries
Sentence 90 days detention
Date of Sentence 21st March, 1949
Confirmation--(a) Authority Officer IC Administration
(b) Date

PART III

REMISSION

I, the undersigned, being the competent Military authority under Section 57(2) of the Army Act (superior Military authority under Section 57(A) of the Army Act), do hereby remit ~~(suspension of execution)~~ 30 days of sentence of detention

Signed at Edmonton this day of May, 1949

(E. [illegible] Edwards)
Officer I.C. Administration
Western Command

PART IV

PROMULGATION

Remission ~~(suspension of execution)~~ promulgated and extracts taken at CALGARY Alta this 24th day of May 1949 (1)

G E Henderson
Officer i/c Documents (G E HENDERSON) CAPT
ADJUTANT - PPCLI

(1) Unit, attachment and appointment to be stated

PART V

CERTIFIED TRUE EXTRACT OF PART II ORDERS

No. SM-6854 Rank Private Name EMSLIE, David Donald
The sentence of 90 days det'n awarded by District Court-Martial on the 21 March 1949
has been remitted by 30 days on the 24 May 1949 by Officer IC Administration
Unit PPCLI

Certified true Extract of Part II Orders of 102/49 Place CALGARY Alta Date 24 May 49

Adjutant
G E Henderson
(G E HENDERSON) CAPT
ADJUTANT - PPCLI

HQC 55-B-363 (JAG/O)

XXXXX

20 Apr 49

Headquarters, Western Command,
Kingsway Avenue,
Edmonton, Alta.

District Court-Martial
SM.6854 Pte. Maslie, D.D.

Receipt is acknowledged of your WC/SM.6854(A) dated 8 Apr 49, enclosing proceedings of the m/n District Court-Martial.

2. These proceedings were entered in our records as No. 47040 on 20 Apr 49.

WMWS/BR

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

Noted
Lt Col MacKenzie Capt.
for D Adm
22/4/49

H.Q. C 55-E-363
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SM 6854 Name EMSLIE, David Donald

Rank Pte Unit P.P.C.L.I.

Charge AA 12(1)(a) - Deserting His Majesty's Service - Absent from 0830 hrs 13 Jan 49 to 2315 hrs 5 Mar 49 (Apprehended)

AA 24(2) - Losing By Neglect His Equipments, Clothing And Regimental Necessaries - Value $27.84

Date of Crime (1) 13 January 1949 (2) 7 March 1949

Date of Arrest 5 March 1949 Charge Signed 18 March 1949

Orders for D.C.M. 18 March 1949

Place and Date of Trial Calgary, Alberta, 21 March 1949

Sentence Ninety Days Detention

Date of Confirmation 5 April 1949

Date of Promulgation 7 April 1949

Entered in Records of J.A.G. as No. 47040

Date 20 April 1949

MEMO Accused found NOT GUILTY of Desertion but GUILTY of Absence Without Leave, except that the absence was from Calgary, Alberta, and not Rivers, Manitoba, and that the period of absence commenced at 2359 hrs 29 Jan 49 and not 0830 hrs 13 Jan 49.
Accused found NOT GUILTY of the second charge.

Recd 12 Apr 49

W.M. Shaw Maj

for Judge Advocate-General

IN REPLY PLEASE QUOTE No. WC/SM.6854(A)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, Western Command,
EDMONTON, Alberta,
8 Apr 49

Army Headquarters,
OTTAWA, Ont.

Reference to ... JAL
APR 16 1949
File ... 6.25-E-363
Chg'd to ...

DISTRICT COURT-MARTIAL
SM.6854 Private Emslie, D. D.
P.P.C.L.I.

1. Forwarded herewith Proceedings of District Court-Martial and Summary of Evidence in the case of the marginally-named soldier.

2. Pte. Emslie was sentenced to undergo detention for 90 days.

3. The Officer IC Administration, Western Command, confirmed the findings and the sentence. The sentence was promulgated to the soldier and extracts taken the 7th day of April, 1949.

4. The Proceedings have been reviewed in accordance with CAO 62-3 and it is considered that no required administration is evident in this case.

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

NAT. DEF. 8 440

MEDICAL OFFICER'S REPORT

Pres. D.C.M

I certify that No. SM-6854 Pte EMSLIE, D.D.

of PPCLI is in a Good state of health,

and Fit to undergo Trial by Court martial.

Medical Officer

Station Currie Barracks

Date 21 Mar 49

M. F. B. 246

50M—9-44 (5437)
H.Q. 1772-39-480

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

A

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

Proceedings of a District Court-Martial held at Currie Barracks, Calgary, Alberta, on the 21st day of March 1949 by order of COLONEL E. C. BROWN, OBE, ED, Officer in Charge of Administration, Western Command, ~~Commanding~~ dated the 18th day of March 1949.

President.

ZP 1209 Major H.I.T. McLeod, RCAC
2nd Armoured Regiment, Lord Strathcona's Horse (RC) RCAC

Members.

ZM 2698 Captain J. M. Church, RCA
13 Section A. & T. Staff

ZP 2757 Lieutenant W. E. Wheeler, RCCS
Attached to Princess Patricia's Canadian Light Infantry

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

Trial of* No. SM-6854 Private David Donald EMSLIE, Princess Patricia's Canadian Light Infantry

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

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

~~, waiting member takes his place as a member of the Court.~~

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

The accused is brought before the Court.

Prosecutor,† ZL 698 Lieutenant L. M. Russell, RCIC Princess Patricia's Canadian Light Infantry

~~Counsel‡ or~~ defending officer† ZB 2912 Lieutenant F. R. McGuire, RCIC Princess Patricia's Canadian Light Infantry

At 1000 o'clock the Trial commences.

The order convening the Court is read, and is marked " X " signed 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.

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

A. 1 *Answer by accused.* No, sir.

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

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

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

‡Qualification to be stated.

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

President D.C.M.

Mil. Form B. 271
16M—9-39 (2132)
H.Q. 1772—39-224

B

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

The following officer ~~are~~ is under instruction ~~duly~~ sworn.
ZK 232 Lieutenant L. W. Basham, RCIC, Princess Patricia's Canadian Light Infantry.

Q. 2 Do you object to 23162 Sgt E.H. Kurtz of North West Air Command Headquarters, Edmonton, Alberta, acting as shorthand writer?

A. 2 No, sir. - - - 23162 Sgt E.H. Kurtz is duly sworn as shorthand writer.

FOR MINUTE OF ADJOURNMENT AND REASSEMBLY SEE ATTACHED DOCUMENT MARKED " G "

Charge-Sheet

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

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

Q. 3 No. SM-6854 Private David Donald EMSLIE, Princess Patricia's Canadian Light Infantry. Is that your number, rank, name and unit?

A. 3 Yes, sir.

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

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

A. 4 I am not guilty, sir. *Answer.*

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

A. 5 I am not guilty, sir. *Answer.*

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

Answer.

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

Answer.

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

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

"B 2"

Prob. Dist. Court Martial

CHARGE SHEET

The accused, Number SM-6854 Private EMSLIE, David Donald, Princess Patricia's Canadian Light Infantry, a soldier of the CA(AF) is charged with:

FIRST CHARGE
Section 12(1)(a)
Army Act

DESERTING HIS MAJESTY'S SERVICE

in that he

at 0830 hours on the 13 Jan 49 at Rivers, Manitoba, did absent himself from the Princess Patricia's Canadian Light Infantry until apprehended by the C Pro C at Calgary, Alberta at 2315 hours on the 5 Mar 49, dressed in uniform (Time Absent: 51 days 14 hours 45 minutes).
Cost of Apprehension: Nil.

SECOND CHARGE
Section 24(2)
Army Act

LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES

in that he

At Calgary Alberta on the 7 Mar 49 was found deficient of the following articles, viz:

ARTICLE	NO	¾ VALUE CARO 3464
Gloves Woolen Prs.	1	$ .48
Overalls Combination	1	1.80
Shoes Canvass Prs.	1	1.63
Trousers B.D.	1	4.67
Braces Prs.	1	.20
Brushes Button	1	.08
Brushes Shoe Polishing	1	.08
Combs Hair	1	.03
Knife Table	1	.13
Frogs Baynnet	1	.14
Slings Rifle	1	.12
Coats Waterproof	1	4.81
Jackets K.D.	2	4.68
Shirts Khaki Cotton	1	1.71
Shirts Undercotton	1	.31
Shoes Leather Black Prs.	1	3.71
Socks Black Prs.	2	.82
Trousers K.D. Short	1	.81
Singlets Gymnasium	1	.30
Trousers Gymnasium	1	.54
Drawers Woolen	1	.99
	TOTAL	$27.84

Currie Barracks
18 March 1949

(W deN WATSON) Major
T/COMD - PPCLI

TO BE TRIED BY DISTRICT COURT-MARTIAL

Edmonton, Alberta,
18th March, 1949.

(E. C. BROWN) Colonel,
Officer i/c Administration,
Western Command.

C

Proceedings on Plea of Not Guilty

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

Q. 6 *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?

A. 6 *Answer.* No, sir.

The Prosecutor declines to make an Opening Address.

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

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. ZD 366 Captain A. D. Price, Princess Patricia's Canadian Light Infantry, being duly sworn, is examined by the Prosecutor.

Q. 7 Will you identify yourself to the Court, please?

A. 7 I am ZD 366 Captain A. D. Price, Assistant Adjutant, Princess Patricia's Canadian Light Infantry.

~~being duly sworn, is examined by the prosecutor.~~

Q. 8 Have you any documentary evidence respecting the accused which you wish to produce to the Court?

A. 8 Yes. I present the Record of the Declaration of a Court of Inquiry assembled at Currie Barracks on the 4th day of February, 1949, 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. SM-6854 Private Emslie, D.D., "A" Coy PPCLI.

Judge Advocate: Have you any objection to this document going in, Lieutenant McGuire?

Defending Officer: No, sir.

RECORD OF THE DECLARATION OF A COURT OF INQUIRY ABOVE REFERRED TO IS READ, MARKED " H ", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE

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

- - - THE WITNESS WITHDRAWS.

Second Witness for Prosecution) No. SK 142741 Private A. I. MacKenzie, Canadian Provost Corps, attached to Princess Patricia's Canadian Light Infantry, being duly sworn, is examined by the Prosecutor.

Q. 9 Private MacKenzie, will you please identify yourself to the Court?

A. 9 I am SK 142741 Private MacKenzie, A.I. -- Canadian Provost Corps, attached to P.P.C.L.I. for duty.

Q. 10 You are engaged with the local detachment of the Provost Corps here in the Currie Area?

A. 10 Yes, sir.

Q. 11 Can you give the Court an account of what occurred in the case of Private Emslie on the 5th of March, 1949, please?

A. 11 At approximately 2315 hours on the 5th of March, while on duty in Calgary I recognized this man as an absentee and I placed him under close arrest and put him in the city police station until my tour of duty was finished and then him here to No. 10 MDB, sir.

Q. 12 What was the location where you apprehended Private Emslie?

A. 12 The Avenue Ballroom, sir.

Q. 13 And the time of this was around 2230 hours?

A. 13 2315, sir.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE

QUESTIONED BY THE COURT

Q. 14 You mentioned "this man". You mean Private Emslie the accused present here today, is that correct?

A. 14 Yes, sir.

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

- - - THE WITNESS WITHDRAWS.

-C 5-

Third Witness for Prosecution) No. SP 22162 Sergeant T. I. James, Princess Patricia's Canadian Light Infantry, being duly sworn, is examined by the Prosecutor.

Q. 15 You are SP 22162 Sergeant James, T.I. A/CQMS "A" Coy, PPCLI, is that correct?

A. 15 Yes, sir.

Q. 16 Do you recognize the accused in this case, Private Emslie?

A. 16 I do, sir.

Q. 17 Would you tell the Court what you know about the checking of the accused's kit?

A. 17 Sir, I am acting as CQMS "A" Company, and on taking over the stores Private Emslie was reported to me as being absent without leave. I checked what kit and equipment he had against his MFC 800 and a deficiency list was put in on that basis.

Q. 18 When was that, Sergeant?

A. 18 That would be -- I am trying to figure out the date -- around the 26th or 27th of January, sir.

Q. 19 What we want from you, Sergeant, is what articles, if any, were in the accused's possession on or after the 5th of March? You don't have to go beyond that.

A. 19 On the 5th of March he had a uniform, small pack and small kit, a beret and web belt. I had the equipment he had checked at the detention barracks, sir. I didn't see Private Emslie until he had been placed under close arrest. Various items of his kit were found later and brought into me in stores, including a rifle and kit bag full of more or less personal gear -- brought in on several occasions -- and I amended the original deficiency list according to the kit received by me, plus what Private Emslie was wearing.

Q. 20 So that, as a result of checking the items he brought back with him plus the other items that were in the barracks you arrived at an amended deficiency list, is that right?

A. 20 That is right, sir.

Q. 21 Do you have that list here with you?

A. 21 Yes, sir. I now produce it to the Court.

Judge Advocate: Have you any objection to this list going in, Mr. Defending Officer?

Defending Officer: No, sir.

DEFICIENCY LIST ABOVE REFERRED TO IS READ, MARKED " I ", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q. 22 Sergeant James, this kit which was either present at the time of the first inventory or which showed up later, in what form was it packed?

A. 22 Some of it wasn't packed.

Q. 23 Some of it wasn't Packed?

A. 23 Some wasn't packed and some came in a large duffle bag.

Q. 24 Was any of it packed in any sort of container which was locked?

A. 24 No, sir.

Q. 25 None of it was locked?

A. 25 None, sir.

THE PROSECUTOR DECLINES TO RE-EXAMINE

QUESTIONED BY THE COURT

Q. 26 Where did this box or duffle bag come from?

A. 26 The duffle bag and one box were found in the drum storeroom -- drum stores.

Q. 27 Found where?

A. 27 In the PPCLI band storeroom, sir.

Q. 28 What sort of a room is that?

A. 28 Just an ordinary room in the barrack block, that is locked and Drums keep extra bugles and scarlet tunics in it.

Q. 29 Who has the keys to it?

A. 29 The drum major and the Lance-Corporal in charge of the drums.

Q. 30 Just the two of them?

A. 30 Just the two of them. There is one key and generally one of them have it.

Q. 31 Is it ordinarily used as a storeroom for kit?

A. 31 The drum storeroom -- I couldn't say about that, sir. I don't know.

Q. 32 Is Emslie a member of the band -- or was he?

A. 32 He has been.

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

- - - THE WITNESS WITHDRAWS.

- o - o - o - o -

THE PROSECUTION IS CLOSED.

D

~~The prosecution is closed.~~

- - - The Judge-Advocate advises the accused as to his rights in the general conduct of his defence.

Defence

Q. 33 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 33 *Answer.* Yes, sir.

Q. 34 *Question.* Do you intend to call any other witness in your defence?

A. 34 *Answer.* Yes, sir.

Q. 35 *Question.* Is he a witness as to character only? A. 35 *Answer.* No, sir.

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 accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

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

Instruction. † 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*.)

First Witness for Defence) The accused, No. SM 6854 Private David Donald EMSLIE, Princess Patricia's Canadian Light Infantry, being duly sworn, is examined by the Defending Officer.

Q. 36 Private Emslie, regarding the first charge, of desertion, can you explain in your own words why you were absent and the various actions you took from time to time, and the efforts you made to return?

A. 36 Yes, sir. About the 9th of January I went up to Pointe du Bois, Manitoba, to hunt. We have -- on an island a little north of Pointe du Bois -- 7 to 7 1/2 miles -- my father has a lodge out there. We went out there and about -- well, on the 10th it started to snow and I couldn't get back in. We finally got back into the Pointe about the 20th or 21st of January -- through the snow -- and I was put in bed when I got to the Pointe due to my frozen feet. I froze both feet and couldn't get my shoes on. I left Pointe du Bois on the 29th and arrived in Winnipeg the same day. On arriving in Winnipeg I had a telegram stating my uncle died in Toronto and that I should get down there as soon as possible, if possible. At that time I sent a wire to the Regiment explaining that I had been snowed in at Pointe bu Bois and that on arriving in Winnipeg I learned my uncle had died and that I had to leave immediately for Toronto. I left immediately right then. I didn't wait for an answer. I didn't have time to wait for an answer. I went to Toronto and remained in Toronto for 7 days -- 6 or 7 days -- and then went to Chicago with my aunt. On crossing the border I was questioned if I had a pass or any authority to cross the border. I explained the situation and the U.S. authorities at the border said that when I arrived in Chicago I should write for a pass so I could go back again -- back across the border. I wrote that letter on the 14th of January -- the 14th of February, I mean, sir. I waited 10 days for a reply and I received no reply so I went back to the border and I explained to them I had written and never got any answer. I explained in my letter that as soon as I got back to Toronto I would see the S. & T.O. and get an RCAF aircraft back to Winnipeg. I went to the University Street Armouries in Toronto and saw a Sergeant there and asked him if there was an S. & T.O. in Toronto, and he said there wasn't and then he phoned Captain Shipley and asked him if I could get a casual pay and so buy a train ticket from Toronto to Winnipeg. He explained it would take about 7 -- 6 or 7 days to wire my Regiment and get my pay book down there so that I could be paid, and they told me the best thing I could do was to make my own way to Winnipeg. I had a ticket from Rivers to Calgary. I proceeded on my own as far as North Bay. It took a whole day to get that far so I got a freight. I went over to the yards and met one of the freight agents and he got me on a caboose. The caboose conductor explained to me to get off at Sudbury and get the next passenger train and that he would wire ahead for a ticket. When I arrived there I had to wait through that day until the following day for a train going west from Sudbury. At that time I reported to the armouries in Sudbury and met a Sergeant from the Provost Corps in plain clothes and he went down to the C.P.R. station and wired the Regiment for a train ticket. I received the ticket about 5 or 6 days later. I came straight back from Sudbury to Calgary. It was a Saturday morning and at that time I went down to Currie Barracks and there was a Commanding Officer's inspection going on. I had some business to look after so I went back downtown and I went down and finished that and went down to the dance at night, where the Provost picked me up at night, sir.

Q. 37 What sort of leave were you on at the time you went to this hunting place at Pointe du Bois?

A. 37 On annual leave, sir.

Q. 38 On Annual leave. And when did that leave expire?

A. 38 The 13th of January, sir.

Q. 39 How long were you snowbound -- what dates were you snowbound?

A. 39 From the 9th of January until actually the 21st.

Q. 40 The conditions out there -- would you just tell the Court the state of the weather and snow and so forth?

A. 40 The temperature was ranging between 25 and 35 below most of the time and the snow was at least waist-deep most of the way -- some places higher -- and it took a whole day travelling between the cabin and the Pointe.

Q. 41 How long was it when you first saw fit to start out from Pointe du Bois until you finally arrived in Winnipeg?

A. 41 I was in bed from the 21st to the 28th in Pointe du Bois. I left on the 29th and arrived in Winnipeg the same day.

Q. 42 Then your main difficulty was between the island and the mainland itself?

A. 42 Yes, sir.

Q. 43 Would you explain a little further the situation in Toronto, and why you requested an extension of leave?

A. 43 My uncle died and my aunt is in very poor shape. She is blind and just about deaf and there is nobody to take care of her, so I went to take care of her. She didn't want to remain in Toronto so I took her to Chicago.

Q. 44 Were there any other relatives who could have done that?

A. 44 No, sir.

Q. 45 With regard to the charge of losing kit by neglect, are there any items of kit you do admit losing by your own neglect?

A. 45 Yes, sir, one pair of black socks, sir.

Q. 46 Well, then, where was the rest of the kit the last you saw of it?

A. 46 My kit left Rivers -- I took all my kit other than my summer issue to Rivers and I left my summer issue in the band room in the barrack block. I took all the rest of my kit and I sent it back from Rivers with two members of the Regiment. Private Berg took the big bag and Private Shea took my kit bag. The articles mentioned by Sgt James were in my big bag and in my kit bag when they left Rivers, sir.

Q. 47 Were any of those articles in any other combination except your kit bag and large bag?

A. 47 There were a few personal articles in my "C" bag. That is all there were, sir.

Q. 48 Where was your "C" bag?

A. 48 My "C" bag was in Headquarters Company stores.

Q. 49 Those articles are also listed as lost?

A. 49 No, sir.

Q. 50 Well, we just want those articles which are shown as having been lost by your own neglect?

A. 50 They were all in my kit bag and big bag when they left Rivers, sir.

CROSS-EXAMINED BY THE PROSECUTOR

Q. 51 Private Emslie, when you were snowbound were you at Pointe du Bois or at the hunting lodge?

A. 51 At the hunting lodge.

Q. 52 When did you first get into Pointe du Bois?

A. 52 On the 8th of January, sir.

Q. 53 On the 8th of January?

A. 53 Yes, sir.

Q. 54 And that was when you were snowed in?

A. 54 Yes, sir, on Saturday -- on the 9th.

Q. 55 On the 13th when you were still snowed in you realized your leave was up?

A. 55 Yes, sir.

Q. 56 Did you take any steps to inform the Regiment?

A. 56 I couldn't take any steps, sir, as Pointe du Bois or the lodge has no communication from out there at all.

Q. 57 I understood you were at Pointe du Bois yourself?

A. 57 No, I was at the lodge, which is about 7 miles from the Pointe.

Q. 58 And when did you reach Pointe du Bois?

A. 58 On the 21st, sir.

Q. 59 On the 21st. I take it you never knew your uncle was dead at that time?

A. 59 I never knew.

Q. 60 Did you take any steps to inform your Regiment that you were unable to get back from your leave?

A. 60 I couldn't. The only comminication is from the power plant and that is a direct line to the station in Winnipeg.

Q. 61 There is a railway station, isn't there?

A. 61 No, sir. It is a Company town, run by the City Hydro. (Winnipeg)

Q. 62 There is no railroad through there at all?

A. 62 No, sir.

Q. 63 Did you leave any address with your people in Winnipeg when you went to Toronto?

A. 63 I wasn't staying at home when I was in Winnipeg. I lived at a friend of mine's place on College Avenue. My house is too crowded right now.

Q. 64 When you wired for an extension of leave, then, you left no address where they could contact you?

A. 64 I left my address in Toronto with my friend in Winnipeg. On the telegram I have my friend's address and he was to forward the answer to me in Toronto.

Q. 65 Did he forward the answer to you?

A. 65 No, sir.

Q. 66 In other words, then, you don't know whether the Regiment granted you an extension of leave or not?

A. 66 No, sir.

Q. 67 Another point, Private Knabe, you gave your address in Chicago where the Regiment was to contact you in connection with your request for a pass for the border Custom people?

A. 67 Yes, sir.

Q. 68 Did you receive a letter there?

A. 68 No, sir. I waited 10 days and got no reply.

Q. 69 When did you leave Chicago?

A. 69 On a Wednesday, sir.

Q. 70 Can you remember the date?

A. 70 No, sir, I don't, sir.

Q. 71 Do you know whether you were in Chicago on the 18th of February?

A. 71 I was there on the 18th, yes. I left 10 days after the 14th, which would be the 24th, sir.

Q. 72 You left Chicago when?

A. 72 On the 24th, sir.

Q. 73 At what time did you arrive in Calgary, do you remember?

A. 73 About 20 minutes to 10 on Saturday morning, sir.

Q. 74 Saturday morning. Do you remember the date?

A. 74 The 5th of March, sir.

Q. 75 You arrived in Calgary, then, at 0940 hours on the 5th of March. You also stated, I believe, you had some business in Calgary when you arrived here?

A. 75 Yes, sir.

Q. 76 Did that take all day?

A. 76 No, sir, it just took up a few minutes in the afternoon. I went to see this fellow in the morning. He is the head caretaker in D.V.A.

D.V.A.

in Hudson's Bay and he wasn't in there when I got there.

Q. 77 Have you any particular reason for not reporting in to the Currie area after you finished your business?

A. 77 No, sir.

Q. 78 Now, Private Emslie, you stated you left a certain amount of your kit in the band room, is that correct?

A. 78 Yes, sir.

Q. 79 Is it the custom for you to leave your kit in the band room?

A. 79 When we proceeded to Rivers the band put their barrack boxes into band stores and it was then locked.

Q. 80 Under whose authority did you put it into the band room?

A. 80 I don't know if there was any authority given. All the band put it in there. I think Drum Major Mackie might have given it to them.

Q. 81 Do you know what the regulations are about kit in the Regiment when you leave the station?

A. 81 No, sir, but I have an idea what it might be, sir.

Q. 82 You mentioned Private Berg and Private Shea?

A. 82 Yes, sir.

Q. 83 I take it you were going on leave and didn't want to take this kit on leave with you so you entrusted it with them to take it back for you?

A. 83 Yes, sir, and put it in stores.

Q. 84 You also had some kit left in "Q" stores before you left for Rivers?

A. 84 Yes, sir.

Q. 85 In other words, you had kit in the "Q" stores and also in the band room?

A. 85 Yes, sir. The kit in "Q" stores were mostly personal.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 86 Where did you aunt go to stay in Chicago? Why did she go to Chicago?

A. 86 I don't know why she went to stay in Chicago but she had a lot of friends down there and she was going to stay with friends of hers. When we arrived there her friends were holidaying in Miami so we stayed at 143 West 104th Place.

Q. 87 And you left your aunt in the care of these friends?

A. 87 Yes, sir.

Q. 88 Where do your parents live?

A. 88 In Winnipeg, sir.

Q. 89 You say you saw this Sergeant in Toronto -- in the University Street

M.A.E.

Armouries. Is that the only military establishment you went to in Ontario?

A. 89 Yes, sir, they explained to me that I'd have to go to Ortona Barracks in Oakville to see an S. & T.O. or else make my way back to Winnipeg.

Q. 90 Do you know how far it is from Toronto to Oakville?

A. 90 It is about 30 or 40 miles.

Q. 91 Couldn't you find any way to get out there?

A. 91 Well, I asked if there was any transportation going out there and they said there was but they explained if I could make my own way back it would save me a lot of money rather than go to the S. & T.O. and get a warrant.

Q. 92 How did you get from Winnipeg to Toronto?

A. 92 By train, sir.

Q. 93 You bought your own ticket?

A. 93 Yes, sir.

Q. 94 When did you first run out of money?

A. 94 I had about $16.00 in Toronto, going up from Chicago, and I thought I could hitch-hike on $16.00, coming up that way as far as Winnipeg.

Q. 95 Your father owns that hunting lodge in Manitoba, does he?

A. 95 No, sir, it is a mutual agreement between two or three fellows who work in the police force, and they built the lodge. One of them is the head man in the power plant in Pointe du Bois.

Q. 96 What was the arrangement with respect to sending your kit back from Rivers to Calgary -- was it official or unofficial, or what?

A. 96 We were told at first, sir -- Sergeant Major Ford told us just to proceed on leave and throw our kit in a pile and he would see that it was looked after and two of us -- two or three of us went forward and asked him if we could have our kit sent back with individual members of the serial.

Q. 97 And what did he say?

A. 97 He said it would be all right.

Q. 98 Who is Sergeant Major Ford?

A. 98 He was the Sergeant Major of our serial in "A" Company.

Q. 99 And you understood from that that your kit would be looked after, is that right?

A. 99 Yes, sir.

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

- - - THE WITNESS RESUMES HIS SEAT.

At 1210 hours, 21st March, 1949, the Court adjourned until 1330 hours the same day.

On the 21st March, 1949, at 1330 hours, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

The accused is brought before the Court.

- o - o - o - o - o - o -

Second Witness for Defence — No. SK 14200 Private H. C. BERG, Princess Patricia's Canadian Light Infantry, being duly sworn, is examined by the Defending Officer.

Q. 100 Private Berg, what is your regimental number?

A. 100 I am SK 14200 Private Berg, H.C.

Q. 101 You were at Rivers at the same time as Private Emslie?

A. 101 Yes, sir.

Q. 102 And when you were leaving Rivers did Private Emslie give you certain kit to take here with you?

A. 102 Yes, sir.

Q. 103 Do you know what were the contents of whatever he gave you?

A. 103 No, sir, I have no idea.

Q. 104 What was it?

A. 104 It was a large pack, sir.

Q. 105 On returning what did you do with the kit?

A. 105 It was placed in band stores.

Q. 106 Was that place authorized to put it?

A. 106 Yes, sir, that is the place I thought would be the best place to put it. I thought Private Emslie would be back in seven days.

Q. 107 Did anybody else put kit in there at the time?

A. 107 Yes, sir, quite a few other personnel put kit in there.

CROSS-EXAMINED BY THE PROSECUTOR

Q. 108 Private Berg, after you placed Private Emslie's kit in the band room did you inform anybody else that his kit was there?

A. 108 The Drum Major knew it was there.

Q. 109 The Drum Major knew it was there. You didn't inform any other person except the Drum Major?

A. 109 No, sir, I don't think anybody else knew about it.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE

QUESTIONED BY THE COURT

Q. 110 You said you didn't know what was in the bag, is that right?

A. 110 No, sir, I have no idea, sir.

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

- - - THE WITNESS WITHDRAWS.

- o - o - o - o - o -

The Defending Officer makes a Closing Address. (See attached document marked " J ")

The Prosecutor makes a Closing Address. (See attached document marked " K ")

The Judge-Advocate sums up. (See attached document marked " L ")

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused No. SR-6854 Private David Donald EASLIE, Princess Patricia's Canadian Light Infantry, is not guilty of desertion but guilty of absence without leave on the first charge, except that the absence was from Calgary, Alberta and not from Rivers, Manitoba, as set out in the said charge, and with the further exception that the period of absence commenced at 2359 hours 29th January, 1949, and not as set out in the said charge. The Court find the accused not guilty of the second charge.

The Court is reopened and the accused is again brought before it.

The findings are announced in open court, and (except the findings of not guilty) are announced as being subject to confirmation.

Proceedings on Conviction *before Sentence*

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

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

No. ZL 698 Lieutenant L. M. Russell, RCIC, Princess Patricia's Canadian Light Infantry, is duly sworn.

Evidence of character, &c.

Q. 111 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*
A. 111 I have MFB 355, Statement as to Character and Particulars of Service of Accused, sir.

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

Q. 112 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*
A. 112 Yes, sir.

Q. 113 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.*
A. 113 Yes, sir.

Q. 114 *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.*
A. 114 Yes, sir.

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

~~Cross-examined by the accused.~~

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE

- - - In the opinion of the Court and the Judge-Advocate it is not necessary to comply with R.P. 83(3).

- - - THE WITNESS RESUMES HIS SEAT.

A. 115

Q. 115 *Question to the accused.* Do you wish to address the Court? *Answer.* My Defending Officer will speak for me. (See attached document marked " M ".

The Court is closed for the consideration of the sentence.

The Court is reopened and the accused is again brought before it.

The sentence is announced in open Court; the sentence is announced as being subject to confirmation.

F

Sentence

The Court sentence the accused No. SM-6854 Private David Donald ESSLIE, Princess Patricia's Canadian Light Infantry, to undergo detention for ninety (90) days.

Sentence.
Detention
90 days.

Signed at Calgary, Alberta, this 21st day of March, 1949.

(H. I. T. McLeod) Major
PRESIDENT

(G. W. Brown) Squadron Leader
JUDGE-ADVOCATE

CONFIRMATION

Confirmed

E. C. BROWN, COL.
APR 5 1949
O. i/c ADMINISTRATION
WESTERN COMMAND

PROMULGATION

Promulgated and extracts taken this 7th Day of April 1949.

(G E HENDERSON) Capt
ADJUTANT - PPCLI

Extract entered as No. 47040 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 20th day of April 1949

Pres. Dist. Court Martial

"X"

Orders by COLONEL E. C. BROWN, CBE, ED, Commanding

the Officer in Charge of Administration, Western Command.

District Court-Martial

No. SM-6854 Private David Donald MESSIE,
Princess Patricia's Canadian Light Infantry

Edmonton, Alberta, March 18, 1949.

The detail of Officers as mentioned below will assemble at Currie Barracks, Calgary, Alberta, on Monday the 21st day of March, 1949 at 1000 hours for the purpose of trying by a District Court-Martial the accused person ~~(persons)~~ named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

ZP 1209 Major H.I.T. McLeod, RCAC,
2nd Armoured Regiment, Lord Strathcona's Horse (RC) RCAC — is appointed President.

MEMBERS

ZM 2696 Captain J. M. Church, RCA
13 Section A. & T. Staff

ZP 2757 Lieutenant W. E. Wheeler, RCCS
Attached to Princess Patricia's Canadian Light Infantry

WAITING MEMBER

ZA 232 Lieutenant L. W. Basham, RCIC
Princess Patricia's Canadian Light Infantry

JUDGE ADVOCATE

19650 Squadron Leader G. W. Brown, MBE, North West Air Command Headquarters, Edmonton, Alta. ~~has been~~ (is hereby) appointed Judge Advocate

PROSECUTOR

ZL 698 Lieutenant L. M. Russell, RCIC
Princess Patricia's Canadian Light Infantry ~~has been~~ (is hereby) appointed Prosecutor

DEFENDING OFFICER

ZB 2912 Lieutenant F. R. McGuire, RCIC
Princess Patricia's Canadian Light Infantry ~~has been~~ (is hereby) appointed Defending Officer

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

The Commanding Officer, Princess Patricia's Canadian Light Infantry will arrange for the necessary accommodation, stationery, court orderly, escort, ~~shorthand writers~~ and interpreters.

The proceedings will be forwarded to Officer i/c Administration, Western Command.

Signed this 18th day of March, 1949.

(E. C. BROWN) Colonel,
Officer i/c Administration,
Western Command.

M.F.B. 220
AFA 47
2SM—10-42 (6502)
H.Q. 1772-70-604

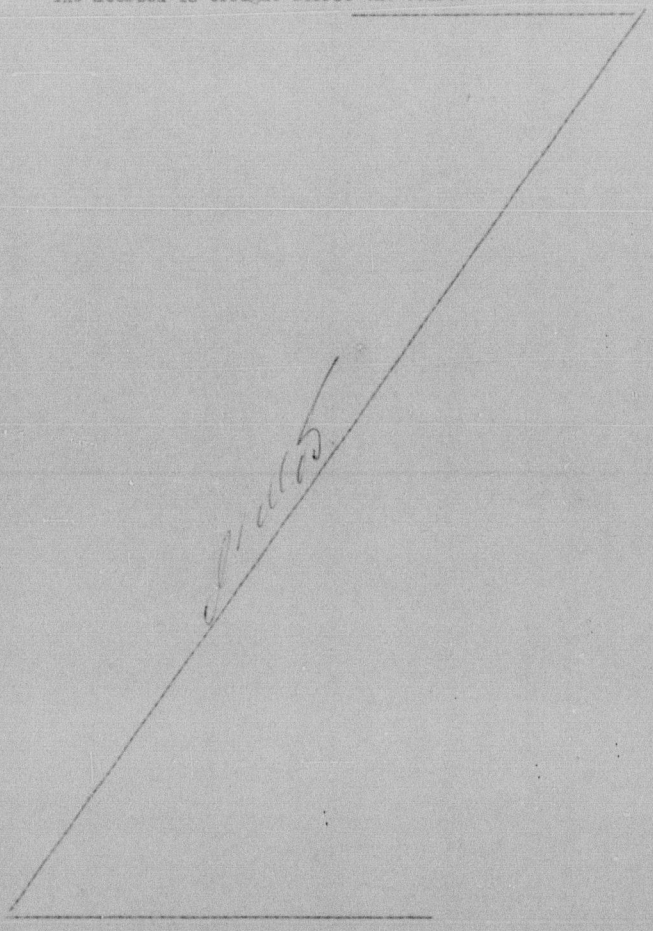
" G "

MINUTE OF ADJOURNMENT AND REASSEMBLY

At 1020 hours, 21st March, 1949, the trial of SM-6854 Private David Donald Emslie, Princess Patricia's Canadian Light Infantry, is adjourned until 1115 hours the same day.

On the 21st March, 1949, at 1115 hours, the Court re-assembled pursuant to adjournment, present the same members as when adjourned.

The accused is brought before the Court.



"H"
Appendix B

RECORD of the Declaration of a Court of Inquiry assembled at Currie Barracks?Alta. on the 4th day of February 19 42, 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. M 6854 Pte EMSLIE D.D. "A" Coy PPCLI

DECLARATION

The Court declare that No. M6854 (Regt'l No.) Private (Rank) EMSLIE, David Donald (Full Name) Princess Patricia's Canadian Light Infantry (Unit) illegally absented himself without leave at CALGARY (Place) at 0830 hours on the 13th day of January that he is still so absent, and that on the 4th day of February he was deficiert, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE

(Sgd) W.B.S.SUTHERLAND Lt PPCLI (Name) (Rank) (Unit) President

NA (Name) (Rank) (Unit) Member

Signed at CALGARY, Alberta

this 25th day of February 19 42

NA (Name) (Rank) (Unit) Member

Signature of Commanding Officer D.C. CAMERON Lt-Col PPCLI (Name) (Rank) (Unit)

Certified true copy (Name) Capt (Rank) PPCLI (Unit)

(Signature of Officer having custody of original record)

M.F.S. 375
A.F.S. 118
200M—1-44 (3578)
H.Q. 1777-39-257

	Full Value	A Value
Blouses S.D.	6.79	4.72
Boots Jump	11.55	10.65
Beret Airborne	.97	.78
Shorts Under Cotton Khaki	.55	.42
Shorts Woolen	.63	.48
Great Coat Drab	14.90	11.20
Sweater Pullover	1.57	1.20
Overalls Combination	2.40	1.80
Shoes Canvas	2.18	1.93
Socks Gray Prs 2	.88	.66
Trousers S.D. 2	12.43	9.34
Shirts Woolen	2.26	1.71
Braces	.27	.20
Brushes Button	.10	.08
Brushes Shaving	.40	.30
Brushes Shoe Blacking	.12	.08
Brushes Teeth	.09	.09
Combs Hair	.04	.03
Knife Table	.17	.13
Fork	.08	.06
Spoon	.08	.06
Holdall	.22	.17
Braces W.E. Right	.30	.23
Frogs Bayonet	.18	.14
Haversack	2.07	1.55
Slings Rifle	.16	.12
Straps Shoulder Haversack Pr.	.56	.42
Rifle No 4 Mk III #1017568	33.74	33.74
Bayonet	1.87	1.37
Scabbard	.62	.50
Oil Bottle	.08	.06
Pullthrough	.14	.10
Coats Waterproof	6.54	4.91
Jackets S.D. 2	5.24	4.38
Shirts Khaki Cotton 3	3.42	2.57
Shirts Under Cotton	.41	.31
Shoes Leather Black	4.61	3.71
Socks Black Prs 2	1.08	.82
Trousers S.D. Short	1.25	.81
Singlets Gym	.41	.30
Trousers Gym	.72	.54
	$142.57	$105.20

"I" Appendix "D"

DCM

665 AMENDED DEFIENCIES OF KIT & EQUIPMENT re SM6854 Pte EMSLIE D D Dated 7 Mar 49

ARTICLE	FULL VALUE	¾ VALUE
Gloves Woolen	$ .63	$ .48
Overalls Combination	2.40	1.80
Shoes Canvass	2.18	1.63
Trousers B.D.	6.24	4.67
Braces	.27	.20
Brushes Button	.10	.08
" Shoe Blacking	.12	.03
Combs Hair	.04	.13
Knife Table	.17	.14
Frogs Bayonet	.18	.12
Slings Rifle	.16	4.81
Coats Waterproof	6.54	4.68
Jackets KD 2	6.24	1.71
Shirts Kahki Cotton	2.28	.31
Shirts Under Cotton	.41	3.71
Shoes Leather Black	4.61	.82
Socks Black ~~extra~~ 2prs	1.02	.81
Trousers KD Short	1.25	.30
Singlets Gym	.41	.54
Trousers gym	.72	.99
Drawers Woolen	1.33	
	$37.30	$27.84

(T.I. JAMES) Sjt
A/CQMS "A" Coy
PPCLI

" J "

CLOSING ADDRESS OF DEFENDING OFFICER

Gentlemen, Private Anslie has been charged with desertion and with loss of kit by neglect. Sofarus the first charge is concerned, there is no evidence that he absented himself with the intention of not coming back. There is considerable evidence, firstly, that he did not at any time deliberately and without excuse absent himself at all, and secondly, that while he was absent, he did make contact with his unit from time to time and took steps -- however irregular we might consider them -- he did take action which in his own inexperience did tend to suggest that he intended to return at an early date. At the time he first left the unit he was not absent. He was on Christmas leave. He subsequently applied for and was granted approximately one-half of his annual leave. It was during this annual leave that he went up to the hunting lodge north of Pointe du Bois, which was quite legitimate. He had a number of days left of his leave to go there, and then he was snowbound.

Now, gentlemen, from the evidence I think you will appreciate that he was in a difficult position. Not only was he unable to get out on account of the snow, but he also was faced with having no facilities to let anyone know where he was. It is therefore quite understandable that it was not until some time after that that he arrived back in Winnipeg. Then, this compassionate situation appeared and he wired the unit, which was the proper thing to do, and then he proceeded to Toronto. Now, that is a questionable point -- as to whether he should have waited for a reply or not. From what I understand of the evidence, there was no reply at all. I think it was quite unreasonable for him to proceed back immediately to the unit, once having applied for leave, and perhaps on arriving back here finding the leave had been granted and then having to go all the way back east again. Besides, the compassionate situation as represented was urgent and it is quite understandable why he immediately assumed the leave would be granted and went on to Toronto.

I don't propose reviewing all his difficulties on re-entering Canada and the trouble he had getting from Toronto out here again. A great many of those circumstances were beyond his control and he did arrive out here just about as quickly as the situation permitted. When he arrived back he undoubtedly should have reported in and not been found in town as he was. However, the very fact that he was apprehended in uniform so close to his home station, after having wired and written the unit several times during his absence, all strongly suggest that even if he was actually absent without leave, it was certainly not with the intention of staying away, which, after all, does constitute the essence of desertion.

To sum up, gentlemen, he didn't desert. If he was absent without leave it was only through a series of misunderstandings and doubts, and as the man did not know whether his application for extension of leave had even been granted or not he assumed he was quite legitimately absent.

Regarding the loss of kit, it isn't as if he was absent at the time he lost his kit. He was going on leave at the time and there is evidence that he had authority to entrust his kit to someone else. Then we have Private Berg's statement that he accepted responsibility for some of the accused's kit. Regarding to the disposition of that kit, it is pretty well accepted in the Army that a man's kit is unprotected physically even if it is stored in a barrack block which is locked, as a lock can still be broken. However, during this man's absence from

the unit his kit was in much the same position as dozens of other people who were on course in Rivers and elsewhere, and the only article of kit that he admits having lost by his own neglect is one pair of black socks. All the rest of that kit he denies having lost by his own neglect. There is no evidence that he did lose it by his own neglect and there is considerable evidence that he did take reasonable steps to prevent the kit being lost.

" K "

CLOSING ADDRESS OF THE PROSECUTOR

Mr. President and Gentlemen:

I think it has been established from the Record of the Declaration of a Court of Inquiry that Private Emslie absented himself without leave from the 13th of January, 1949, until he was picked up by Private MacKenzie of the Provost Corps on the 5th of March. I don't think it is a question of desertion at all, but simply a case of absence without leave. I think the Defending Officer has pointed that out quite clearly. However, I don't think Private Emslie made the wisest choice in some of his decisions. On arriving in Winnipeg, after being snowbound, he was informed of his uncle's death and that he would have to act in a certain capacity to look after his aunt. As a result he requested two week's leave and it appears from the evidence that he didn't even wait for an answer. He just went on to Toronto. His evidence is that he sent a telegram to the unit on the 29th asking for an extension of leave, and there is his own statement that he left almost immediately for Toronto on the 29th. Then, on his return to Calgary, Private Emslie had a certain amount of business to conduct and on the conclusion of that business, which only took a very small amount of time, he didn't surrender himself to the proper authorities in the Currie area but instead went to a dance and had to be apprehended.

As for the shortages in his kit, he entrusted his kit with personnel returning to Currie, and on his kit being checked by Sergeant James it was found that he was deficient articles of kit to the value of $27.84.

" L "

SUMMING UP BY THE JUDGE ADVOCATE

Under the amended Rules of Procedure, gentlemen, it is now my duty as Judge Advocate to sum up in all cases, not only to instruct you on the law but also to sum up the facts of the case.

You will understand, of course, that a court-martial decides on both the law and facts and I am here to assist you on what the law is.

A fundamental principle of English law is that an accused person is presumed to be innocent until he is proven to be guilty, and that the burden of proof lies on the prosecution. The prosecution must prove the guilt of the accused beyond a reasonable doubt. A reasonable doubt must be distinguished from an imaginary doubt. Reasonable doubt is the type of doubt which might arise in the minds of reasonable men after considering all the facts, and if after such consideration the court is left in a state of real doubt the prosecution has then failed to satisfy the burden of proof.

You are the sole judges of the facts and you must consider the evidence and come to your own conclusions regardless of what I may say in regard to such facts, and if from listening to me you conclude I am instructing you on the facts you will please disregard what I have to say. You are sworn to try the accused on the evidence, and you have heard various witnesses in the witness box. However, you are entitled to take what we call judicial notice of all matters of notoriety, including matters within your general military knowledge. In other words, you do not require evidence on facts which are so generally known as not to require proof.

In determining the facts of the case you will also understand that in the Army Act provision is made for receiving documentary evidence, and some of the evidence of the prosecution today is in that form. The Declaration of the Court of Inquiry was introduced by the prosecutor, and admitted by the Court, to show the time of the commencement of the absence, and to some extent it also indicates the fact that the absence continued. Then, the termination of the absence was indicated by the prosecution's witness Private MacKenzie. The Declaration of the Court of Inquiry also indicates the original deficiencies of kit as of the time the Court of Inquiry was taken. Then the witness Sergeant James was introduced by the prosecution to give evidence as to what articles of kit, if any, were in the accused's possession on his return. He also indicated that there were kit bags found containing belongings of the accused and he submitted to the Court a document showing only the deficiencies.

Now, the accused is charged with desertion in the first charge and with loss of kit by neglect in the second charge. Desertion consists of two main elements. The basic element is absence -- mere absence -- and the second element is that of intention not to return to His Majesty's Service. Speaking generally, I might say intention is something which cannot be proven directly and distinctly. It is something that goes on in a man's mind and the only way to arrive at what is a person's intention is the manner in which he has acted , and his words, and conduct, and that sort of thing.

A word in respect to the evidence. You have heard the account given by the accused in the witness box and you have also heard the evidence of his witness Private Berg, and you will have to assess that evidence. I do not intend to refer to every bit of the testimony which has been given. I take it there is little dispute that the accused was actually away from his unit during the period charged. There would seem to be ample evidence to indicate that he did intend to come back. He kept in touch with his unit, and, in fact, he did come back to the City of Calgary. You have heard the accused's account of the situations that confronted him during the time he was away and you have heard his account of his other actions.

There are certain footnotes to both Section 12 and Section 15 of the Army Act and I would refer the Court to them. There is one paragraph in relation to involuntary absence which may have some application to the period when the accused was snowbound at Pointe du Bois. "Involuntary absence due, for example, to illness or arrest by the civil power is not ordinarily an offence under this section ----". Then it goes on to say: "Where the absence was originally voluntary and subsequently becomes involuntary, the length of absence without leave must be reckoned only to the time when the absence becomes involuntary. Conversely, absence originally involuntary, may become an offence under this paragraph if the person charged fails to return to duty at the earliest possible moment." In respect to the second charge, which is loss of kit by neglect under Section 24(2) of the Army Act, it is clearly laid down in footnote 6 to Section 24 -- "It is not intended to punish a soldier for a deficiency in his kit occasioned by accident or mere carelessness but for loss by culpable neglect." The accused has testified to the effect that the loss was not occasioned by any fault on his part, and it is for the Court to decide whether or not the accused, under the circumstances as we have heard them, should be considered culpably negligent in respect to his kit.

In conclusion, gentlemen, I would refer you to Section 56 of the Army Act which provides that an accused charged with deserting his Majesty's Service may be, if the evidence so indicates, be found guilty of either attempting to desert or mere absence without leave.

Is there anything further upon which you wish me to advise the Court, Mr. President?

President: No.

Mr Prosecutor?

Prosecutor: No, sir.

Mr. Defending Officer?

Defending Officer: No, sir.

[illegible]

[illegible]

Gentlemen, you have seen fit to find the accused guilty not of desertion but of absence without leave. You have made allowance for a certain portion of his stay away from the unit, which you considered involuntary. I would ask you to consider, from the point of view of a private soldier with little more than a year's service, just how far the remainder of his absence was involuntary. We, being officers who have had considerably more service, know the proper procedure for having leave extended and knowing what to do in the event no reply is received, and must therefore make allowances for the lack of general military knowledge of people such as this accused.

As for the evidence given by the accused, it was undoubtedly straightforward and without hesitation in any way. In fact it was given exceedingly rapid, sometimes much to the confusion of the Sergeant recording the evidence. There was nothing rehearsed or contemplated about it. He told his story and we have very little reason to doubt his good faith in all things. I hope all this will be duly considered in deliberating on the sentence to be awarded. That is all I have to say.

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number: 6N 6854 Rank: Pte. Name: EWELD, David Donald Regiment (or unit): PPCLI

1. The following is a fair and true summary of the entries in the Conduct sheets / Regimental [illegible] of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	A.A. Sec 15 (1)	1 time A.A. Sec. 15 (1) 1 time
For	A.A. Sec. 40	1 time A.A. Sec. 40 1 time
For	times	times
For	times	times
		times

Number of instances of gallantry or distinguished conduct: Nil

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

2. The accused has not been previously convicted by a Court Martial or Civil Court.

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

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 16 days in military custody, making a total of 16 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his record of service is 21 years

6. The date of his attestation / commission specified in his attestation paper is 6 September 1947

7. The service which the accused is allowed to reckon towards discharge is 1 yr 6 mos 12 days

8. The accused is entitled to reckon 1 yr 6 mos 1 days service for the purpose of determining his pension, etc.

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

[illegible] (If promoted as a warrant officer.) The accused [illegible] was made a warrant officer last [illegible] the regimental rank of

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

.....dated....., and in his regiment (or corps) the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

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, Number....., Rank..... Air Force Unit

Name..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

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 15th 21st day of March 1949

(E. D. PRICE) Capt
Offr i/c Records RCAF

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 proceedings.

H.Q.C. C.55-E-364 CONFIDENTIAL

M.F.H. 2978
3M-2-45 (6699)
H.Q. 301-1-88

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT ARMY

DISTRICT COURT MARTIAL

EWASIUK, PETER, SH.23523 PTE

CONFIDENTIAL
H.Q.C.
C.55-E-364

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JAG	NEW FILE CR NOV 16 1949		
NOV 22 1949	22/11/49	PA		G4	Admin 20 note - PA	[illegible]	19/11/49

NOTICE

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

PASS THIS FILE IN ENVELOPE

HQC 55-e-364 (JAG/O)

The Office of the Judge Advocate General

November 19th, 1949.

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

DEPARTMENT OF NATIONAL DEFENCE ADMINISTRATION ARMY NOV 22 1949 CANADA

District Court Martial
SH 23525 Pte. KWASIUK P.
PPCLI

Receipt is acknowledged of your WC/SH 23523(A) dated 14 November, 1949, enclosing proceedings of the marginally noted District Court Martial.

2. The proceedings were entered in our records as No. 47149 on 18 November, 1949.

Received [illegible] Capt 22 Nov 49

WMWS/ML

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

Noted would appear C.O can refer proceedings of Regt Judge under CAO 109-14 (c) therefore not necessary [illegible] Capt for "D" Regt 22/11/49

Local 2891

H.Q. C.55-E-364
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SH 23523 Name EWASIUK, Peter

Rank Pte Unit P.P.C.L.I.

Charge AA 15(1) - Absenting Himself Without Leave - absent from 1800 hrs 30 Apr 49 to 1730 hrs 11 May 49

AA 15(1) - Absenting Himself Without Leave - absent from 0800 hrs 16 May 49 to 1330 Hrs 12 Sep 49

AA 40 - An Act To The Prejudice Of Good Order And Military Discipline

Date of Crime (1) 30 April 1949; (2) 16 May 1949; (3) 24 July 1949;

Date of Arrest 12 September 1949 Charge Signed 22 October 1949

Orders for D.C.M. 25 October 1949

Place and Date of Trial Calgary, Alberta, 28 October 1949

Sentence Ninety Days Detention

Date of Confirmation 1 November 1949

Date of Promulgation 4 November 1949

Entered in Records of J.A.G. as No. 47149

Date 18 November, 1949

MEMO Accused found guilty of all the charges.

W. M. W. Shaw
Lt.-Col.
D.J.A.G.

NOV 18 1949

for Judge Advocate-General

IN REPLY PLEASE QUOTE No.

WC/SH.23523(A)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, Western Command,
EDMONTON, Alberta, 14 Nov 49

Army Headquarters,
OTTAWA, Ont.

Referred to A.H.Q.
NOV 15 1949
File No C.55-E-364

DISTRICT COURT MARTIAL
SH.23523 Pte. EWASIUK, P.
PPCLI

Forwarded herewith Proceedings of District Court-Martial and Summary of Evidence in the case of the marginally-named soldier.

2. Pte. Ewasiuk was sentenced to undergo detention for ninety days.

3. The Officer IC Administration, Western Command, confirmed the findings and the sentence. The sentence was promulgated to the soldier and extracts taken the 4th day of November, 1949.

4. The Proceedings have been reviewed in accordance with CAO 62-3 and it is considered that no required administration is evident in this case.

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

NAT. DEF. 8. 440
2000M—12-43 (3243)
H-Q 1772-39-767

MEDICAL OFFICER'S REPORT

E. Bissonnette Major
President D.C.M.

I certify that No. SH 23523 Pte EWASIUK P

of PPCLI is in a good state of health,

and fit to undergo Trial by Court martial.

A. MacDonald Capt
Medical Officer

Station Currie Bks CALGARY Alta

Date 28 Oct 49

M. F. B. 246
30M—9-44 (5427)
H.Q. 1772-30-480

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

A

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

Proceedings of a District Court-Martial held at Currie Barracks, Calgary, Alberta on the 28th day of October, 19 49, by order of Colonel E. C. BROWN, OBE, ED, Officer in Charge of Administration, Western Command, dated the 25th day of October, 19 49.

President.

ZD.100 Major E. Bissonnette, RCIC, 10 Personnel Depot

Members.

ZM.1094 Captain D.O.R. Kearns, RCIC, Princess Patricia's Canadian Light Infantry

ZA.2075 Captain G. W. Pearce, RCAC, Lord Strathcona's Horse (Royal Canadians) (2nd Armoured Regiment) RCAC

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

Trial of* SH.23523 Private Peter EWASIUK, Princess Patricia's Canadian Light Infantry.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

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

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

The accused is brought before the Court.

Prosecutor,† ZG.3335 Lieutenant R. W. Dudley, RCIC Princess Patricia's Canadian Light Infantry.

~~Counsel for~~ defending officer† ZB.3320 Lieutenant C. L. Kirby, RCIC, Princess Patricia's Canadian Light Infantry.

At 1500 hours the Trial commences.

The order convening the Court is read, and is marked X signed 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.

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

A. 1 *Answer by accused.* No, sir.

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

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

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

‡ Qualification to be stated.

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

E. Bissonnette Maj

President, D.C.M.

(*Strike out and initial when not applicable.*)

CAFB 271
3M—3-49 (3000)
H.Q. 224-21-B-271

B

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

Q. 2 Do you object to 23162 F/S E.H. Kurtz, NWAC HQ, Edmonton, Alta., acting as shorthand writer? *Question to the accused.*

A. 2 No, sir.

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

The following officer, under instruction, having been duly detailed, ~~by~~ is duly sworn.

ZB.3474 Lieutenant R. J. Frost, RCIC, Princess Patricia's Canadian Light Infantry.

FOR MINUTE OF ADJOURNMENT AND REASSEMBLY SEE ATTACHED DOCUMENT MARKED " G "

Charge-Sheet

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

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

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

Q. 3 SH.23523 Private Peter ZWASIUK, Princess Patricia's Canadian Light Infantry.

Is that your number, rank, name and unit? *Question to the accused.*

A. 3 Yes, sir. *Answer.*

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

A. 4 Guilty, sir. *Answer.*

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

A. 5 Guilty, sir. *Answer.*

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

A. 6 Guilty, sir. *Answer.*

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

~~Answer.~~

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

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

"B 2"

CHARGE SHEET

The accused, No. SH 23523 Private Peter EMASIUK, Princess Patricia's Canadian Light Infantry, a soldier of the Canadian Army (Active Force) is charged with:

ABSENTING HIMSELF WITHOUT LEAVE

in that he

First Charge
Section 15(1)
Army Act

at Currie Barracks, Calgary, Alberta, absented himself without leave from Princess Patricia's Canadian Light Infantry from 1800 hours 30th April, 1949, until surrendering himself to the Canadian Provost Corps at Vancouver, B.C. at 1730 hours 11th May, 1949. Total time absent: 10 days, 23 hours and 30 minutes.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

Second Charge
Section 15(1)
Army Act

at Currie Barracks, Calgary, Alberta, when in arrest, absented himself without leave from Princess Patricia's Canadian Light Infantry from 0800 hours 16th May, 1949, until surrendering himself to the Canadian Provost Corps at Winnipeg, Manitoba at 1330 hours 12th September, 1949. Total time absent: 119 days, 1 hour and 30 minutes.

AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

Third Charge
Section 40
Army Act

at Currie Barracks, Calgary, Alberta, at approximately 2200 hours 24th July, 1949, improperly and without permission removed one battledress and beret, the property of SA.125661 Private P.J.J. Tremblay.

H. F. Cotton

(H. F. Cotton) Major
T/COMD PPCLI

Calgary, Alberta,
22 October 1949.

TO BE TRIED BY DISTRICT COURT-MARTIAL

E. C. Brown

(E. C. Brown) Colonel,
Officer i/c Administration,
Western Command.

Edmonton, Alberta,
25 October 1949.

L. Barrette Major
President D.C.M.

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

CC

Proceedings on Plea of Guilty

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

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

The accused **No. SH 23523 Private Peter KWASIUK, Princess Patricia's Canadian Light Infantry,** is found guilty of **all the charges.**

Q. 7 *Question to the accused.* Do you wish to make any statement in reference to the charge(s)?

A. 7 *Answer.* **No, sir.**

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

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

*The summary of evidence is read, marked "A" signed by the President, and attached to the proceedings.

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

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

DD

Q. 8 Do you wish to make any statement in mitigation of punishment? *Question to the accused.*

A. 8 ~~The accused in mitigation of punishment says:—~~ No, sir. ~~or hands in a written statement, which is read, marked _____, signed by the President, and attached to the proceedings.)~~ *Answer.*

Q. 9 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A. 9 No, sir. *Answer.*

Evidence as to character.

E

~~Finding*~~

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

The Court is closed for the consideration of the finding.

The Court find that the accused

ANNOUNCEMENT OF FINDINGS

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

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

Proceedings on Conviction *before Sentence*

Evidence of character, etc.

ZG.3335 Lieutenant R. W. Dudley, RCIC, Princess Patricia's Canadian Light Infantry is duly sworn.

Q. 10 *Question by the President.*

A. 10

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

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

Q. 11 *Question by the President.*

A. 11

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

Q. 12 *Question.*

A. 12

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

Q. 13 *Question.*

A. 13

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

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

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

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

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

- - - THE WITNESS RESUMES HIS SEAT.

Q. 14 *Question to the accused.*

Do you wish to address the Court?

A. 14 *Answer.*

My Defending Officer will speak on my behalf, sir. (See attached document marked " I ")

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. SH.23523 Private Peter EWASIUK, Princess Patricia's Canadian Light Infantry, to undergo detention for ninety (90) days.

Sentence.
Detention
90 days

Announcement of Sentence

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

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

Signature

Signed at Calgary, Alberta,

this 28th day of October, A.D. 19 49.

G. W. Brown S/L
(G. W. Brown) Squadron Leader
Judge Advocate

E. Bissonnette
(E. Bissonnette) Major
President

Confirmation

Signed at EDMONTON, Alberta,

this 1st day of November, A.D. 1949.

E. C. BROWN, COL.
NOV 1 1949
O. i/c ADMINISTRATION
WESTERN COMMAND

Extracts entered as No. 4744 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 2nd day of Nov 1949

Promulgation

Promulgation and extracts taken at CALGARY, Alberta,

this 4th day of November, A.D. 1949.

(P. O. SMITH) Capt
ADJUTANT PPCLI

"X"

ORDERS BY COLONEL E. C. BROWN, OBE, ED

Officer In Charge of Administration, Western Command

EDMONTON, Alberta,
25th October, 1949

DISTRICT COURT-MARTIAL
SH.23523 Private Peter EWASIUK
Princess Patricia's Canadian Light Infantry

1. The detail of officers as mentioned below will assemble at Currie Barracks, CALGARY, Alberta, at 1000 hours, Friday, the 28th day of October, 1949, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

ZD.109 Major E. BISSONNETTE, MBE, RCIC,
10 Personnel Depot, is appointed President

MEMBERS

ZM.1094 Captain D. O. R. KEARNS, RCIC,
Princess Patricia's Canadian Light Infantry

ZA.2075 Captain G. W. PEARCE, RCAC,
Lord Strathcona's Horse (Royal Canadians)
(2nd Armoured Regiment) RCAC

E. Bissonnette Major
President D.C.M.

WAITING MEMBER

ZM.3138 Lieutenant P. H. R. CHILDS, RCAC,
Lord Strathcona's Horse (Royal Canadians)
(2nd Armoured Regiment) RCAC

JUDGE ADVOCATE

19850 Squadron Leader G. W. BROWN, MBE,
North West Air Command Headquarters,
Edmonton, Alberta, is hereby appointed
Judge Advocate

PROSECUTOR

ZG.3335 Lieutenant R. W. DUDLEY, RCIC,
Princess Patricia's Canadian Light Infantry,
is appointed Prosecutor

DEFENDING OFFICER

ZB.3320 Lieutenant C. L. KIRBY, RCIC
Princess Patricia's Canadian Light Infantry,
is appointed Defending Officer

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

3. The Commanding Officer, Princess Patricia's Canadian Light Infantry, will arrange for the necessary accommodation, stationery, court orderly, and will also ensure that the necessary escort has been provided.

4. The Proceedings will be forwarded to Officer IC Administration, Western Command.

(E. C. Brown) Colonel
Officer IC Administration
Western Command

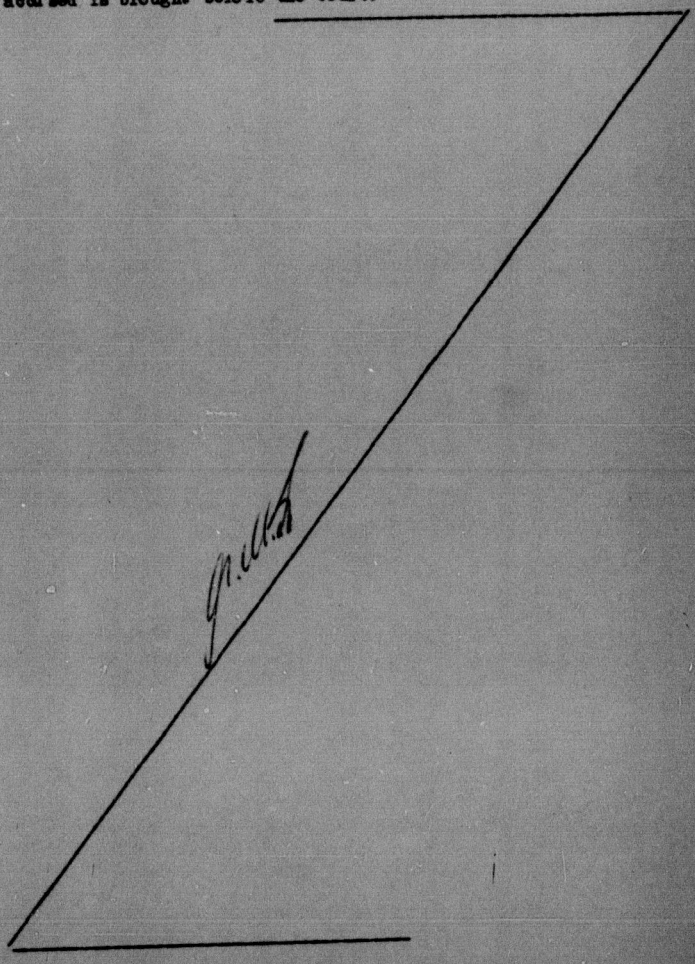
" C "

MINUTE OF ADJOURNMENT AND REASSEMBLY

At 1515 hours 28th October, 1949, the trial of SH 23523 Private Peter Ewasiuk, Princess Patricia's Canadian Light Infantry, is adjourned until 1545 hours the same day.

On the 28th October, 1949, at 1545 hours, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

The accused is brought before the Court.



E. Simonetti Major
President A.C.M.

SUMMARY OF EVIDENCE

in the case of

SH23523 Pte EWASIUK, P.

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY

charged with

1. ABSENTING HIMSELF WITHOUT LEAVE, in that he at Currie Barracks, CALGARY, ALBERTA, absented himself without leave from 1800 hrs 30 Apr 49 until surrendering himself at VANCOUVER, B.C., at 1730 hrs 11 May 49 to the C Pro C. (Absent 10 days, 23 hrs, 30 mins) A.A. Sec. 15 (1)
2. WHILE IN LAWFUL CUSTODY ESCAPING, in that he at Currie Barracks, Calgary, Alberta, when in lawful custody (Open Arrest) at approximately 0800 hrs 16 May 49, escaped. A.A. Sec. 22.
3. ABSENTING HIMSELF WITHOUT LEAVE, in that he at Currie Barracks, CALGARY, ALBERTA, absented himself without leave from 0800 hrs 16 May 49 until surrendering himself to the C Pro C at WINNIPEG, MANITOBA, at 1330 hrs 12 Sep 49. (Absent 119 days 1 hr 30 mins) A.A. Sec. 15 (1)
4. LOSING BY NEGLECT, in that he on 16 May 49 was deficient, and is still deficient, articles of his clothing and regimental necessaries to the value of $40.82. A.A. Sec 24(2).
5. STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW, in that he, at approximately 2200 hrs on 24 Jul 49, stole one Battle Dress and one beret, the property of No. SA-125661 Pte TREMBLAY, P.J.J., "B" Coy, PPCLI, a person subject to Military Law. A.A. Sec. 18 (4)

SUMMARY OF EVIDENCE

in the case of

SH23523 Pte EWASIUK, P.

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY

charged with: K.

1. ABSENTING HIMSELF WITHOUT LEAVE.

2. WHILE IN LAWFUL CUSTODY ESCAPING.

3. ABSENTING HIMSELF WITHOUT LEAVE

4. LOSS BY NEGLECT

5. STEALING PROPERTY BELONGING TO PERSONS SUBJECT TO MILITARY LAW.

The CO directs that the evidence be taken on oath.

1st Witness: ZL298 Capt. P.O. STAYNER, Princess Patricia's Canadian Light Infantry, being duly sworn, states:

"I am the Adjutant of the Princess Patricia's Canadian Light Infantry, CA(AF). As Adjutant I have the custody of the Regimental books of the Unit and the documents of the accused, whom I recognize as SH23523 Pte EWASIUK, P., Princess Patricia's Canadian Light Infantry, CA(AF).

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

(1)MFB 375, being certified true copy of the Record of the Declaration of the Court of Inquiry, enquiring into the absence of the accused, and duly certified by me as Adjutant and officer having custody of the original record.

(2) Certificate of Surrender of the accused in accordance with A.A. 163 (1)(j), purporting to be signed by Lt. S.A. DOWSETT, Officer Commanding "G Section" 6 Coy C Pro C.

(3)Certificate of surrender of the accused, in accordance with A.A. Sec 163(1) (jj), purporting to be signed by Capt. R.I. LUKER, APM, Prairie Command, Winnipeg, Manitoba.

(4) Certified true copy of PPCLI Pt 11 Daily Order No. 99 dated 18 May 49, showing costs of apprehension of the accused (Vancouver).

(5) Certified true copy of PPCLI Pt 11 Daily Order showing costs of return to Unit of the accused from Winnipeg is not yet available.

(6) Certified true copy of PPCLI Pt 11 Daily Order No 87 dated 3 May 49 showing Pte EWASIUK, P. absent without leave from 1800 hrs 30 Apr 49.

(7) Certified true copy of PPCLI Pt 11 Daily Order No 101 dated 20 May 49, showing Pte EWASIUK, P. absent without leave from 0800 hrs 16 May 49.

(8) Certified true copy of PPCLI Pt 11 Daily Order No 118 dated 15 Jun 49 showing Pte Ewasiuk P. SOS Des having been decl illegally absent from 0800 hrs 16 May 49 by a Ct of Inq held 10 Jun 49. Deficiencies of kit to the value of $40.82.

(Documents are marked A, B, C, D, E, F, G and H, and attached to this Summary of Evidence)

The accused declined to cross examine.

(sgd).... P.O. Stayner Capt.
PPCLI

Witness

2nd Witness: SP22183 CQMS ADKIN F.R., "A" Coy, Princess Patricia's Canadian Light Infantry, being duly sworn, states:

"I am SP22183 CQMS ADKIN, F.R., CQMS OF "A" Coy PPCLI. On 16 May 49 it was reported to me that Pte EWASIUK, P. was absent. I picked up his kit and immediately took inventory. On 9 Jun 49 I checked his kit for deficiencies and found him to be deficient the following articles, with their vocabulary and 75% rates:

ARTICLE	QUANT.	FULL VALUE	¾ VALUE
Blouses B.D. Serge	2	12.58	9.44
Boots ankle prs	1	5.54	4.16
Berets, airborne	1	.97	.75
Socks, Army Prs	1	.44	.33
Trousers B.D. Serge	1	6.24	4.68
Shirts woollen	2	2.28	1.72
Badges cap, PPCLI	1	.04	.03
Brushes cleaning	1	.04	.03
Brushes hair	1	.37	.27
Brushes boot polishing	1	.20	.15
Combs hair	1	.04	.03
Forks MS-Table	1	.08	.06
Housewife	1	.33	.24
Holdall	1	.21	.15
Knives table	1	.17	.12
Razor, sets	1	.40	.30
Spoons MS Desert	1	.08	.06
Towels hand	2	.58	.44
Bags ration	1	.04	.03
Covers breech rifle	1	.34	.25
Frogs bayonet	1	.12	.09
Belts waist web	1	.24	.18
Coats waterproof Army	1	6.54	4.90
Hosetops drab, prs	2	1.12	.84
Puttees drab, prs	1	.49	.36
Shirts cotton khaki	3	5.54	4.16
Shorts under cotton	1	.41	.30
Shoes leather black	1	4.61	3.46
Gloves winter flying Inner Glove prs	1	.39	.30
Trousers white drill short	2	1.00	1.20
Singlet gymnasium	2	.82	.16
Jerseys pullover	1	1.57	1.18
		$54.42	$40.82

The accused declined to cross examine.

(sgd) F Adkin .....CQMS
PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY

3rd Witness: SA125661 Pte TREMBLAY, P.J.J., Princess Patricia's Canadian Light Infantry, being duly sworn, states:

"I am SA125661 Pte TREMBLAY, P.J.J. On the 23 Jul 49 I went down town dressed in civilian clothes. When I left Barracks, my Battle Dress and beret were hanging behind my bed. Early the next morning, I noticed that my uniform was missing and immediately made inquiries around the Barrack room. Pte MacMurdo informed me that Pte EWASIUK had my uniform and had said I had given him permission to take it. I had not seen EWASIUK since the day before in the Barracks, but I had not given him permission to borrow my uniform nor said anything to him that might have been misleading."

The accused declined to cross-examine.

(sgd) P.J.J. Tremblay ...Pte
PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY

4th Witness: SF39345 Pte MacMURDO, E.A., Princess Patricia's Canadian Light Infantry, allegedly a witness on the FIFTH charge, STEALING PROPERTY BELONGING TO PERSONS SUBJECT TO MILITARY LAW, is not now available and will not be available prior to 30 Oct 49.

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

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

(sgd) E. Ewasiuk

I certify that the foregoing Summary consisting of 3 pages was taken down by me in the presence of the accused at Calgary, Alberta, this 20th day of October 1949, and that Rules of Procedure 4(c)(d)(e) and (f) have been complied with.

(sgd) [illegible] .....Lt.
PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY
Officer detailed to take this Summary of Evidence.

"A"

-2-

RECORD of the Declaration of a Court of Inquiry assembled at Currie Bks CALGARY on the 10 day of Jun 1949, 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. SH 23523 Pte EWASIUK P

DECLARATION

The Court declare that No. SH 23523 (Regtl No.) Pte (Rank) EWASIUK P (Full Name) PPCLI (Unit) illegally absented himself without leave at CALGARY (Place) at 0800 hours on the 16 day of May 49, that he is still so absent, and that on the 10 Jun 49 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Blouses B D Serge	2	$ 9	44	Boots Ankle prs	1	4	16
Berets Airborne	1		75	Socks Army	1		33
Trousers B D Serge	1	4	68	Shirts Woollen	2	1	72
Badges Cap PPCLI	1		03	Brushes Cleaning	1		03
Brushes Hair	1		27	Brushes Boot Polishing	1		15
Combs Hair	1		03	Forks M S Table	1		06
Housewife	1		24	Holdall	1		15
Knives Table	1		12	Razor Sets	1		30
Spoons MS Desert	1		06	Towels Hand	2		44
Bags Ration	1		03	Covers Breech Rifle	1		25
Frogs Bayonet	1		09	Belts Waist Web 1½"	1		18
Coats Waterproof Army	1	4	90	Hosetops drab prs	2		84
Puttees drab prs	1		36	Shirts Cotton Khaki	3	4	16

(Contd on next page)

..... President
(Name) (Rank) (Unit)

..... Member
(Name) (Rank) (Unit)

Signed at .....

..... Member
this ..... day of ..... 19 ..... (Name) (Rank) (Unit)

Signature of Commanding Officer .....
(Name) (Rank) (Unit)

Certified true copy .....
(Name) (Rank) (Unit)
(Signature of Officer having custody of original record)

M.F.B. 375
A.F.B. 118
2035M—1-44 (3576)
H.Q. 1777-39-267

CERTIFIED TRUE COPY

Adjt PPCLI

RECORD of the Declaration of a Court of Inquiry assembled at

the day of 19 , 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.

DECLARATION

The Court declare that No. (Regt'l No.) (Rank)

(Full Name) (Unit)

illegally absented himself without leave

at (Place) at hours on the day of ,

that he is still so absent, and that on the he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Shirts U ndercotton	1		30	Shoes leather black prs	1	3	46
Gloves winter flying inner Glove prs	1		30	Trousers white drill short	2-1	2	20
Jersey pullover	1	1	18	Singlets Gymnasium	2		61

M F THURGOOD Lieut PPCLI President
(Name) (Rank) (Unit)

Member
(Name) (Rank) (Unit)

Signed at Currie Bks CALGARY

this 10 day of Jun 1949

Member
(Name) (Rank) (Unit)

Signature of Commanding Officer
(Name) (Rank) (Unit)

Certified true copy
(Name) (Rank) (Unit) (Signature of Officer having custody of original record)

M.F.B. 373
A.F.B. 118
200M—1-44 (3576)
H.Q. 1772-39-387

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Adjt PPCLI

Page 2 of 2 Pages.

"B" H.K.Kelly

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

(Surrender to Service Authorities)

I, ZP.1646 (Number) Lieut. (Rank) J.A.DOWSETT (Name) C.Pro.C. (Unit)

certify that SH.23823 (Number) Pte (Rank) EWASIUK.P (Name in full)

of the P.P.C.L.I. (Unit) Calgary, Alta

surrendered himself to SDL48837 (Number) Cpl (Rank)

JAMIESON.S.P (Name) "G" Septipn.6.Coy.C.Pro.C. (Unit or appointment)

at VANCOUVER.BC at 1730 hrs

on the 11 day of MAY 1949.

as a ~~deserter~~ (absentee without leave)

Date 13 May 49

(J.A.Dowsett) Lieut.
Officer Commanding
"G" Section 6 Coy C.Pro.C.

"B" H.K.Kelly

"C" [illegible]

"CERTIFICATE OF APPREHENSION OR SURRENDER TO SERVICE AUTHORITY"

IN ACCORDANCE WITH AA SEC 163 (1) (jj)

I, ZC-2228 Captain R I Luker APM Prairie Command
(Number) (Rank) (Name) (Unit)

hereby certify that SH-23523 Pte EWASIUK, Peter
(Number) (Rank) (Name in full)

of the PPCLI, Calgary, Alberta
(Unit and attachment, if any)

~~xxxxxxxxxxxxxxxx~~ (surrendered to) SH-19018 Sgt
(Number) (Rank)

Bement, G H V Garrison Provost Sergeant
(Name) (Unit or appointment)

at Fort Osborne Barracks, Winnipeg, Manitoba. at 1330 hrs
(Place) (Hour)

on the 12th day of September 19.49

as a ~~deserter (or~~ absentee without leave), and that at the time of his ~~xxxxxx~~ (surrender) he was wearing military (~~xxxxxxxx~~ uniform ~~xxxxxxxxxxxxxxxxxxxxxxxxxx~~

Dated at Winnipeg, Manitoba. this 16th day of Sept 1949.

R I Luker Capt
(Signature) (R I Luker) Captain
APM Prairie Command.

"C" [illegible]

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY CA(AF)
PUBLISHED BY
Lt-Col D C CAMERON DSO ED
Officer Commanding

LAST PART II ORDER No 98
DATED: 17 May 49

THIS ORDER No 99
DATED: 18 May 49
PLACE: Currie Barracks
CALGARY Alta

5 0 1 0 2

"A" OFFICERS
"B" OTHER RANKS

1 ATTACHMENTS

(a) Att for rations cloth & equip from No 10 Personnel Depot	SC-135625	Tpr	BECKSTEAD	I B	RCAC	17 May 49
	SK-9350	Pte	CARLSON	K S	RCASC	17 May 49
	SK-735345	Cfn	CRAIG	H K	RCEME	14 May 49
	SK-50830	Gnr	FERRY	G A	RCA	11 May 49
	SK-9347	Sgmn	JOHNSON	E G	RCCS	14 May 49
	SA-110010	Pte	MITCHELL	E C	RCASC	14 May 49
(b) Att for cloth & equip from No 10 Personnel Depot	SK-61558	Pte	HAYES	J G	RCASC	13 May 49
	SK-42247	Pte	UTZ	E G	RCIC	15 May 49
(c) Cease Att for rations cloth & equip from No 10 Personnel Depot	SK-9348	Pte	AYLESWORTH	R A	RCIC	14 May 49
	SK-9350	Pte	CARLSON	K S	RCASC	17 May 49
	SK-735345	Cfn	CRAIG	H K	RCEME	17 May 49
	SK-50830	Gnr	FERRY	G A	RCA	14 May 49
	SK-9347	Sgmn	JOHNSON	E G	RCCS	14 May 49
	SK-55931	Pte	UTRAU	N D	RCIC	16 May 49
(d) Cease Att for cloth & equip from No 10 Personnel Depot	SK-3071	Pte	RANCHE	J H	RCIC	12 May 49

2 COURSES

(a) Completed No 13B Airportability Advanced Course (Auth: Obs C2-2180 d/13 May 49)	SP-22179	Sjt	ADKIN	J	RCIC	14 Apr 49
	SK-153587	L/Cpl	DORSEY	F B	RCIC	14 Apr 49
	SK-153594	Pte	COLERICK	R	RCIC	14 Apr 49
	SK-14412	Pte	COSFORD	R B	RCIC	14 Apr 49
	SK-6983	Pte	EGGLESTON	R E	RCIC	14 Apr 49
	SK-14437	Pte	ELLIOTT	G W	RCIC	14 Apr 49
	SK-1494	Pte	EVEREST	J W	RCIC	14 Apr 49
	SK-23523	Pte	EWASIUK	P	RCIC	14 Apr 49
	SK-61280	Pte	FOLKES	G D	RCIC	14 Apr 49

2 COURSES (Cont'd)

(b) Completed No 13B Airportability Advanced Course (Auth: Obs C2-2180 d/13 May 49)

SH-61198	Pte	GRAHAM	D O	RCIC	14 Apr 49
SD-190592	Pte	GREEN	J P	RCIC	14 Apr 49
SL-120656	Pte	HOLLAND	M M	RCIC	14 Apr 49
SK-14403	Pte	HUNT	C S	RCIC	14 Apr 49
SH-9175	Pte	JOHNSON	V R	RCIC	14 Apr 49
SK-14433	Pte	KELYNACK	R	RCIC	14 Apr 49
SB-153291	Pte	KLEMM	G K	RCIC	14 Apr 49
SL-532	Pte	KOSTUR	W W	RCIC	14 Apr 49
SC-115055	Pte	LAROCHE	W	RCIC	14 Apr 49
SK-14402	Pte	LETENDRE	R	RCIC	14 Apr 49
SA-125662	Pte	LEUZINGER	R C	RCIC	14 Apr 49
SK-3529	Pte	MAC PHERSON	D W	RCIC	14 Apr 49
SC-124187	Pte	MC DANIEL	R	RCIC	14 Apr 49
SK-14409	Pte	MC NENEY	R C	RCIC	14 Apr 49
SB-153643	Pte	PEARSON	D W	RCIC	14 Apr 49
SH-9178	Pte	POUNDER	M M E	RCIC	14 Apr 49
SD-190629	Pte	PREECE	D J	RCIC	14 Apr 49
SH-61266	Pte	REID	A D	RCIC	14 Apr 49
SH-61422	Pte	RISLEY	J	RCIC	14 Apr 49
SH-9194	Pte	SHADDICK	F	RCIC	14 Apr 49
SB-153575	Pte	THOMPSON	R T	RCIC	14 Apr 49
SA-125651	Pte	TREMBLAY	P J J	RCIC	14 Apr 49
SL-111407	Pte	WHITE	J H	RCIC	14 Apr 49
SK-1893	Pte	WYSHNOWSKI	P	RCIC	14 Apr 49

(c) Completed Carrier-Flame Course No 1 (Auth: Obs C2-2191 d/13 May 49)

SH-23473	Cpl	TRENTER	G S	RCIC	15 Apr 49

(d) Completed Pl Weapons Instructors Course (Auth: Obs C2-2211 d/16 May 49)

SH-31286	Sjt	SMITH	E F	RCIC	28 Apr 49
SH-6011	Cpl	BERARD	L P	RCIC	28 Apr 49
SL-109029	Cpl	GRASLEY	L W	RCIC	28 Apr 49
SL-103683	L/Cpl	BACHAND	P E	RCIC	28 Apr 49
SH-10537	L/Cpl	DALZELL	A N	RCIC	28 Apr 49
SK-14166	L/Cpl	GIOVANNINI	E	RCIC	28 Apr 49
SK-1308	L/Cpl	LEICHT	E C	RCIC	28 Apr 49

3 LEAVE (a) Granted 30 days Annual Lve with Ration Allce of $20.00 p/m	SL-9761	Pte	SINCLAIR	J	RCIC	18 May 49
4 ABSENT WITHOUT LEAVE (a) AWL from 0700 hrs	SF-39037	Pte	MC MAHON	J M	RCIC	14 May 49
(b) Returns from AWL 1100 hrs	SF-39037	Pte	MC MAHON	J M	RCIC	15 May 49
→ (c) Returns from AWL 1730 hrs COST OF APPREHENSION Fare - $17.06 Meals - 4.50 Etc - Nil TOTAL: - $21.56	SL-23523	Pte	EWASIUK	P	RCIC	11 May 49
5 APPOINTMENT PROMOTION REVERSION (a) To be Sjt (Auth: Pers 6133 Inf d/13 May 49	SM-37929	Cpl	HARRIS	P W L	RCIC	4 May 49
(b) Appointed U/A/Sjt	SL-1365	Cpl	ROE	D I T	RCIC	17 May 49
6 CLASSIFICATION & GROUPING OF PAY (a) Upgraded Pte (Trained) To draw increase of pay (Auth: Para 109 P&A (ARMY))	SC-135941	Pte	HUDSON	R F	RCIC	18 May 49
7 HOSPITAL (a) Admit to Calg Mil Hosp (Sick)	SL-107280	Pte	GIBSON	C	RCIC	16 May 49
(b) Trans from Calg Mil Hosp to Central Alberta Sanitorium Calgary Alta	SM-53407	Pte	HUDSON	C S	RCIC	16 May 49
9 MONTHLY ALLOWANCES (a) To draw Subsistence Allce of $60.00 p/m (Auth: Para 150 P&A (ARMY))	SM-37929	Sjt	HARRIS	P W L	RCIC	4 May 49
(b) Ceases to draw Subsistence Allce of $54.00 p/m	SM-37929	Cpl	HARRIS	P W L	RCIC	3 May 49
10 PUNISHMENTS (a) Fined $5.00 and awarded 12 days CB for offences under (1) Sec 40 AA Conduct to the prejudice of good order and military discipline and	SG-9385	Pte	LANGIGAN	J J A	RCIC	17 May 49

"D"

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10 PUNISHMENTS (Cont'd)

(a) (2) Sec 19 AA Drunkenness (2nd offence) Fined $5.00 under Para 303 P&A (ARMY)
TOTAL FORF: $5.00

(b) Awarded 14 days CB for an offence under Sec 19 AA Drunkenness (1st offence) — SA-125537 Pte MULHOLLAND C E RCIC 17 May 49

(c) Fined $15.00 and awarded 21 days det'n for offences under (1) Sec 15(1) AA Absent without leave from 0700 hrs 14 May 49 to 1100 hrs 15 May 49 (1 day 4 hrs) (2) Sec 40 AA Conduct to the prejudice of good order and military discipline (3) Sec 10 AA Breaking out of barracks and (4) Sec 19 AA Drunkennes (4th offence) Forf 21 days pay under Para 286(c)(ii) P&A (ARMY) Forf 2 days pay under Para 286(a) P&A (ARMY) Fined $15.00 under Para 303 P&A (ARMY) — SF-39037 Pte MC MAHON J M RCIC 17 May 49
TOTAL FORF: $15.00 and 23 days pay

(d) Awarded 21 days det'n for offences under (1) Sec 40 AA Conduct to the prejudice of good order and military discipline(2) Sec 40 AA Conduct to the prejudice of good order and military discipline and (3) Sec 19 AA Drunkenness (1st offence) Forf 21 days pay under Para 286(c)(ii) P&A (ARMY) — SB-153058 Pte MARBURTON A G RCIC 17 May 49
TOTAL FORF: 21 days pay

11 DETENTION

(a) Admit to No 10 MDB — SF-39037 Pte MC MAHON J M RCIC 17 May 49

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11 DETENTION (Cont'd)						
(b) Released from No 10 MDB	SC-135622	Pte	YOUNG	C E	RCIC	5 May 49
12 REMISSION OF SENTENCE						
(a) Remitted 20 days det'n under rules for Military Prisons & Detention Barracks (Auth: KR&O (Can) 599)	SC-135622	Pte	YOUNG	C E	RCIC	5 May 49
13 STRENGTH DECREASE						
(a) SOS to Hold Est RCASC School	SB-153226	Pte	HOWSE	L	RCIC	17 May 49
(Auth: GG40 & G984 Unclas d/4 Apr 49)	SG-9327	Pte	SMITH	G A	RCIC	17 May 49
"C" MISCELLANEOUS						
CIVILIANS						
14 ATTACHMENTS						
(a) Att for rations from No 10 Personnel Depot		Recruit	BOEHNERT	G A		14 May 49
		Recruit	CARLSON	K S		9 May 49
		Recruit	FERRY	G A		5 May 49
		Recruit	HAYES	J G		9 May 49
(b) Cease Att for rations from No 10 Personnel Depot		Recruit	BOEHNERT	G A		16 May 49
		Recruit	CARLSON	K S		12 May 49
		Recruit	FERRY	G A		10 May 49
		Recruit	HAYES	J G		13 May 49

G E Henderson

(G E HENDERSON) CAPT
ADJUTANT - PPCLI

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY CA(AF)
PUBLISHED BY
Lt-Col D C CAMERON DSO ED
Officer Commanding

LAST PART II ORDER No 86
DATED: 2 May 49

THIS ORDER No 87
DATED: 3 May 49
PLACE: Currie Barracks
CALGARY Alta

5 0 1 0 2

AIR OFFICERS

1 HOSPITAL (a) Disch Camp Med Hosp	[illegible]-3007	Lt	C L S	BROWN		RCIC	2 May 49
2 BIRTH NOTIFICATION (a) Son [illegible] born at CALGARY Alta	[illegible]-766	Capt	E D	PRICE		RCIC	29 Apr 49
OTHER RANKS							
3 STRENGTH INCREASE (a) TOS from [illegible] Personnel Depot (Auth: DCS 8080-1(PP) d/20 Apr 49)	SR-27780	Pte	LAURENCE		O J	RCIC	3 May 49
4 TRANSFER (a) Trans from RCIC to RCASC (Auth: DCS 8150 RCASC d/26 Apr 49)	SR-14904	Pte	STINSON		R B	RCIC	2 May 49
5 TEMPORARY DUTY (a) Proceeded on Temporary Duty VEGREVILLE to VERMILION Alta 1030 hrs (Auth: MD 2-4-12 RE 1(C) d/20May49)	SR-11563	Cpl	RUDD		A J	RCIC	6 Apr 49
(b) Returned from Temporary Duty VEGREVILLE to VERMILION Alta 1700 hrs	SR-11563	Cpl	RUDD		A J	RCIC	7 Apr 49
6 COURSE (a) Completed [illegible] Responsibility Advanced Course (Auth: [illegible] d/28 Apr 49)	SR-39286	Pte	ASHE		L F	RCIC	8 Apr 49
	SA-14537	Pte	BAILEY		B A	RCIC	8 Apr 49
	SR-153668	Pte	BEER		J W	RCIC	8 Apr 49
	SL-643	Pte	BOULANGER		L Y G	RCIC	8 Apr 49
	SR-14396	Pte	CARLBERG		D J	RCIC	8 Apr 49
	SR-9259	Pte	CHURCH		R	RCIC	8 Apr 49
	SR-153681	Pte	CLAPPISON		R H	RCIC	8 Apr 49
	SR-9217	Pte	DIGGENS		R S	RCIC	8 Apr 49
	SL-107612	Pte	DIONNE		H J	RCIC	8 Apr 49
	SL-639	Pte	DORAN		J [illegible]	RCIC	8 Apr 49
	SA-125690	Pte	EASTON		A [illegible]	RCIC	8 Apr 49

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"F"

6 COURSES (Cont'd)

(b) Completed [illegible] Advanced Course (Anthr. Obs (2) [illegible] Apr 49)

SB-[illegible]243	Pte	EMSLEY	D E	RCIC	8 Apr 49	
SB-[illegible]93	Pte	FIFE	W C	RCIC	8 Apr 49	
SB-[illegible]502	Pte	GORDON	R H	RCIC	8 Apr 49	
SB-[illegible]533	Pte	HOBDAY	L T	RCIC	8 Apr 49	
SB-[illegible]412	Pte	KUBILANSKI	H	RCIC	8 Apr 49	
SB-136924	Pte	MAC GREGOR	F B	RCIC	8 Apr 49	
SB-[illegible]57	Pte	MAC GREGOR	S A	RCIC	8 Apr 49	
SB-[illegible]	Pte	MAC KENZIE	A I	CProC	8 Apr 49	
SB-[illegible]410	Pte	MASON	T M	RCIC	8 Apr 49	
SB-[illegible]276	Pte	MILLS	J H N	RCIC	8 Apr 49	
SB-[illegible]120	Pte	MITCHELL	D D	RCIC	8 Apr 49	
SK-[illegible]534	Pte	MASBY	W L	RCIC	8 Apr 49	
SB-[illegible]569	Pte	PETITPAS	A J R	RCIC	8 Apr 49	
SB-[illegible]441	Pte	RANDLE	S R	RCIC	8 Apr 49	
SK-[illegible]619	Pte	RANGER	A F J	RCIC	8 Apr 49	
SB-[illegible]349	Pte	ROWSELL	E T	RCIC	8 Apr 49	
SB-[illegible]518	Pte	RUTTER	R J E	RCIC	8 Apr 49	
SK-[illegible]470	Pte	SAMKOW	M E	RCIC	8 Apr 49	
SB-[illegible]435	Pte	SADLIER	R W	RCIC	8 Apr 49	
SK-[illegible]954	Pte	TAIT	E W	RCIC	8 Apr 49	
SB-[illegible]656	Pte	TEMPLEY	T J	RCIC	8 Apr 49	
SB-153685	Pte	WALKER	J	RCIC	8 Apr 49	
SB-153347	Pte	WARREN	A D	RCIC	8 Apr 49	

(a) Completed 18 days Annual Tng with [illegible] Allce of $10.00 p/m

SK-14210	Pte	KITCHEN	R A	RCIC	5 May 49

(b) [illegible] Tng with [illegible] Allce of $20.00 p/m

SB-153095	Pte	WARBURTON	A G	RCIC	29 Apr 49

(c) [illegible]

SB-23523	Pte	[illegible]	[illegible]	RCIC	29 Apr 49
SB-12439	Pte	FURMISH	A	RCIC	2 May 49
SB-110451	Pte	PETIT	[illegible]	RCIC	2 May 49
[illegible]-027	Pte	KINDRAT	[illegible]	RCIC	1 May 49
SK-14492	Pte	REDLAC	[illegible]	RCIC	29 Apr 49

(d) [illegible]

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8 ABSENT WITHOUT LEAVE (Cont'd)						
(d) AWL from 0900 hrs	SK-[illegible]70	Pte	MARTIN	D F	RCIC	1 May 49
(e) AWL from 0900 hrs	SR-61[illegible]2	Pte	PIGGOTT	R W	RCIC	2 May 49
(f) STILL ABSENT (0900 hrs 2nd May)	ZH-61[illegible]0	Pte	RINGLAND	H M	RCIC	3 May 49
(g) STILL ABSENT (0900 hrs 2nd May)	[illegible]-152675	Pte	JUDSON	D J	RCIC	3 May 49
9 HOSPITAL						
(a) Adm to Vancouver Pol Hosp (sick)	SR-153096	Pte	WARBURTON	A G	RCIC	18 Apr 49
(b) Disch Vancouver Pol Hosp	SR-153096	Pte	WARBURTON	A G	RCIC	21 Apr 49
10 MONTHLY ALLOWANCES						
(a) Ceases to draw Risk Allce of $30.00 p/m	SR-14904	Pte	STINSON	R B	RCASC	2 May 49
11 PUNISHMENT						
(a) Awarded 21 Days CB for offences under (1) Sec 11 AA (2) Sec 19 AA Drunkenness (1st offence) (3) Sec 40 AA.	SK-14360	Pte	ALEXANDER	J W B	RCIC	3 May 49
12 STRENGTH DECREASE						
(a) [illegible] to Do 10 Coy RCASC (Struck Strength 5184 RCASC 6/7th Apr 49)	SR-14904	Pte	STINSON	R B	RCASC	2 May 49

(G E HENDERSON) CAPT
ADJUTANT - PPCLI

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY CA(AF)

LAST PART II ORDER No 100
DATED: 19 May 49

PUBLISHED BY
Lt-Col D C CAMERON DSO ED
Officer Commanding

"G"

THIS ORDER No 101
DATED: 20 May 49
PLACE: Curde Barracks
CALGARY Alta

5 0 1 0 2

"A" OFFICERS

1 ATTACHMENTS							
(a) Cease Att FAP to Hold Est CJACT(AC)	ZP-1461	Capt	G R	KENDALL		RCAPC	13 May 49
2 MONTHLY ALLOWANCES							
(a) To draw Risk Allce of $30.00 p/m (Auth: Para 127 P&A (ARMY))	ZP-1461	Capt	G R	KENDALL		RCAPC	14 May 49

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Adjt PPCLI

"B" OTHER RANKS

3 ATTACHMENTS							
(a) Cease Att FAP ex Pay to Hold Est CJATC (AC)	SM-9259	Pte	CHURCH	R		RCIC	14 May 49
	SM-9235	Pte	FLETCHER	D S		RCIC	14 May 49
	SB-153669	Pte	PETITPAS	A J R		RCIC	14 May 49
(b) Cease Att for R&Q from RCA Det Experimental Stn Suffield	SP-153005	WO I	BLACK	A F		RCA	13 May 49
4 LEAVE							
(a) Granted 30 days Annual Lve with Ration Allce of $20.00 p/m	SL-514	Pte	FETTER	E		RCIC	20 May 49
(b) Granted 14 days Annual Lve with Ration Allce of $20.00 p/m	SB-153528	Pte	WHITEMAN	R G		RCIC	20 May 49
(c) Granted 12 days Sick Lve with Ration Allce of $20.00 p/m	SC-135818	Pte	LAPOINTE	M H		RCIC	20 May 49
5 ABSENT WITHOUT LEAVE							
→ (a) AWL from 0800 hrs	SL-23523	Pte	EWASIUK	P		RCIC	16 May 49
(b) AWL from 0800 hrs	SA-107093	Pte	COWPER	D		RCIC	19 May 49
	SD-190469	Pte	LALONDE	G		RCIC	19 May 49
6 HOSPITAL							
(a) Disch Montreal Mil Hosp	SC-135818	Pte	LAPOINTE	M H		RCIC	19 May 49
7 MONTHLY ALLOWANCES							
(a) To draw Risk Allce of $30.00 p/m (Auth: Para 127 P&A (ARMY))	SM-9259	Pte	CHURCH	R		RCIC	11 Apr 49
	SB-153669	Pte	PETITPAS	A J R		RCIC	11 Apr 49
	SM-9235	Pte	FLETCHER	D S		RCIC	11 Apr 49

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7 MONTHLY ALLOWANCES (Cont'd)						
(b) Ceases to draw Risk Allce of $30.00 p/m	SL-9259	Pte	CHURCH	R	RCIC	14 May 49
	SL-93713	Pte	CUSTALOE	D	RCIC	20 May 49
	SE-153669	Pte	PETITPAS	A J R	RCIC	14 May 49
(c) To draw Subsistence Allce of $60.00 p/m (Auth: Para 150 P&A (ARMY))	SL-10991	Sjt	ACTON	D H	RCIC	18 May 49
(d) To draw Subsistence Allce of $54.00 p/m (Auth: Para 150 P&A (ARMY))	SE-55445	Pte	GILDAY	J G	RCIC	20 May 49
(e) Ceases to draw Subsistence Allce of $54.00 p/m.	SL-93713	Pte	CUSTALOE	D	RCIC	20 May 49
(f) Ceases to draw Separated Family Allce of $45.00 p/m	SL-109901	Sjt	ACTON	D H	RCIC	17 May 49
8 PUNISHMENTS						
(a) Awarded 14 days CB for an offence under Sec 15(1) AA Absent without leave from 0830 hrs 14 May 49 to 0815 hrs 19 May 49 (4 days 23 hrs 45 mins) Forf 5 days pay under Para 286(a) P&A (ARMY)) TOTAL FORF: 5 days pay	SA-125896	Pte	NORLEY	H F	RCIC	20 May 49
9 DETENTION						
(a) Released from No 10 MDB	SC-135665	Pte	TREGANOWAN	K M	RCIC	20 May 49
10 NEXT OF KIN Verification of						
(a) Mrs Doris Elaine ACTON (Wife) 1918 24A St W CALGARY Alta	SL-109901	Sjt	ACTON	D H	RCIC	18 May 49
11 STRENGTH DECREASE						
(a) SOS to No 10 Personnel Depot for disch under KR(Can) 372 (vii) "O" MISCELLANEOUS	SL-93713	Pte	CUSTALOE	D	RCIC	20 May 49
12 UNIVERSITY CONTINGENT COTC						
(a) TOS at 2320 hrs 11 May 49 from University of Toronto Contingent COTC Arrived 0900 hrs 14 May 49 (Auth: HQ 15-1-2 [illegible] 281) d/15 Mar 49)		Offr Cdt	M A MARTIN		COTC	11 May 49

12 UNIVERSITY CONTINGENT COTC

(b) TOS at 1136 hrs 14 May 49 from University of Saskatchewan Contingent COTC Arrived 0820 hrs 14 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	H A	KINZEL	COTC	14 May 49
(c) TOS at 1230 hrs 13 May 49 from University of Alberta Contingent COTC Arrived 1315 hrs 14 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	T G	BOOTH	COTC	13 May 49
(d) TOS at 0800 hrs 11 May 49 from University of Alberta Contingent COTC Arrived 1315 hrs 11 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	W A D	BURNS	COTC	11 May 49
	Offr Cdt	F L	SCOTT	COTC	11 May 49
	Offr Cdt	S M	SCOTT	COTC	11 May 49
	Offr Cdt	D H	SMITH	COTC	11 May 49
(e) TOS at 1230 hrs 12 May 49 from University of Alberta Contingent COTC Arrived 1300 hrs 14 May 49) (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	R G	DICKSON	COTC	12 May 49
(f) TOS at 0800 hrs 13 May 49 from University of Alberta Contingent COTC Arrived 1315 hrs 13 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	D C	ELLIOTT	COTC	13 May 49
	Offr Cdt	V M	ERICKSON	COTC	13 May 49
(g) TOS at 0900 hrs 13 May 49 from University of Alberta Contingent COTC Arrived 0840 hrs 14 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	J	FRIESEN	COTC	13 May 49
(h) TOS at 1700 hrs 13 May 49 from University of Alberta Contingent COTC Arrived 1315 hrs 14 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	G H	GIBB	COTC	13 May 49
(i) TOS at 1200 hrs 12 May 49 from University of Alberta Contingent COTC Arrived 1000 hrs 14 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	J	KASDORF	COTC	12 May 49
(j) TOS at 0800 hrs 11 May 49 from University of Alberta Contingent COTC Arrived 1330 hrs 11 May 49 (Auth: HQ 16-1-2-4 (Org 2B1) d/15 Mar 49)	Offr Cdt	J N	LAVALLEE	COTC	11 May 49

12 UNIVERSITY CONTINGENT COTC (Cont'd)

(k) TOS at 0800 hrs 14 May 49 from University of Alberta Contingent COTC
Arrived 1315 hrs 14 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	J D	LIND	COTC	14 May 49
Offr Cdt	L A	MOSNIER	COTC	14 May 49

(l) TOS at 1100 hrs 15 May 49 from University of Alberta Contingent COTC
Arrived 0915 hrs 16 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	G K	MINTY	COTC	15 May 49

(m) TOS at 1445 hrs 13 May 49 from University of Alberta Contingent COTC
Arrived 2300 hrs 13 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	O	WESTRUP	COTC	13 May 49

(n) TOS at 1945 hrs 14 May 49 from University of British Columbia Contingent COTC
Arrived 2000 hrs 15 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	R H	CROSBY	COTC	14 May 49
Offr Cdt	R H	MURPHY	COTC	14 May 49

(o) TOS at 1945 hrs 10 May 49 from University of British Columbia Contingent COTC
Arrived 2000 hrs 11 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	J D	HAMILTON	COTC	10 May 49

(p) TOS at 1945 hrs 18 May 49 from University of British Columbia Contingent COTC
Arrived 2000 hrs 19 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	C G	OWEN	COTC	18 May 49

(q) TOS at 1945 hrs 9 May 49 from University of British Columbia Contingent COTC
Arrived 2000 hrs 10 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)

Offr Cdt	H B	RUBERA	COTC	9 May 49

(r) TOS at 1030 hrs 10 May 49 from University of British Columbia Contingent COTC

Offr Cdt	W P	STOKER	COTC	10 May 49

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12 UNIVERSITY CONTINGENT COTC (Cont'd)

(r) Arrived 1230 hrs 11 May 49
(Auth: HQ 18-1-2-4 (Org 2B1) d/15 Mar 49)
CIVILIANS

13 ATTACHMENTS

(a) Att for rations from No 10 Personnel Depot

Recruit	CURRIE	R A	18 May 49
Recruit	DEVLIN	J	18 May 49
Recruit	ROHATENSKY	M W	19 May 49

(b) Cease Att for rations from No 10 Personnel Depot

Recruit	CURRIE	R A	18 May 49
Recruit	DEVLIN	J	18 May 49
Recruit	ROHATENSKY	M W	19 May 49

R F Henderson
(G F HENDERSON) CAPT
ADJUTANT - PPCLI

7 PUNISHMENTS (Cont'd)

(c) 49 (2 days 14 hrs 30 mins) Forf 3 days pay under Para 286(a) P&A (ARMY) TOTAL FORF: 3 days pay.

(d) Admonished for an offence under Sec 15(1) AA Absent without leave from 0800 hrs 3 Jun 49 to 1100 hrs 14 Jun 49 (1 day 3 hrs) Forf 2 days pay under Para 286(a) P&A (ARMY) TOTAL FORF: 2 days pay. — SR-153656 Pte TEMPENY F J RCIC 4 Jun 49

(e) Awarded 3 days CB for an offence under Sec 15(1) AA Absent without leave from 0800 hrs 4 Jun 49 to 0715 hrs 7 Jun 49 (2 days 23 hrs) Forf 3 days pay under Para 286(a) P&A (ARMY) TOTAL FORF: 3 days pay. — SR-9277 Pte VENABLES R C RCIC 7 Jun 49

CERTIFIED TRUE COPY
P.O. Naylor Capt Adjt PPCLI

8 DETENTION

(a) Released from No 10 CDS — SR-106305 Pte EDWARDS H A RCIC 15 Jun 49
SR-153058 Pte WARBURTON A G RCIC 7 Jun 49

9 STRENGTH DECREASE

(a) SOS to No 10 Personnel Depot for disch under KR (Can) 372 (xiv)(a) (Auth: A 7097 Unclas d/13 Jun 49) — SR-58348 Pte BURNS M W RCIC 15 Jun 49
SR-153058 Pte WARBURTON A G RCIC 15 Jun 49

(b) SOS to No 6 Personnel Depot (Auth: A 1091 Unclas d/13 Jun 49) — SR-153517 Pte CURRY R F RCIC 13 Jun 49

(c) SOS to Hold Est RCASC School (Auth: HQ 130-55-8 (Pers RCASC) d/23 Apr 49) — SR-154359 Pte PEATTIE G M RCIC 14 Jun 49

(c) SOS to No 10 Personnel Depot (whilst in Civil Custody) for disch under KR (Can) 372 (xi) (Auth: A 6531 Unclas d/8 Jun 49) — SR-6967 Pte POZZOLO D J RCIC 15 Jun 49

→ (d) SOS des having been decl illegally absent from 0600 hrs 16 May 49 by a Ct of Inq held 10 Jun 49. Deficiencies of kit to [illegible] of $40.82 — SR-23523 Pte EVASIUK P RCIC 10 Jun 49

Certified True Copy
"H"

"C" MISCELLANEOUS

10 UNIVERSITY CONTINGENT COTC

(a) D[illegible]sch Calg Mil Hosp — Offr Cdt — J D HAMILTON — COTC — 27 May 49

CIVILIANS

11 ATTACHMENTS

(a) Att for rations from No 10 Personnel Depot — Recruit — KOBEWKA — J — 7 Jun 49

(b) Cease Att for rations from No 10 Personnel Depot — Recruit — KOBEWKA — J — 12 Jun 49

(G E HENDERSON) CAPT
ADJUTANT - PPCLI

LAST PART II ORDER No 117
DATED: 14 Jun 49

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY CA(AF)
PUBLISHED BY
Lt-Col D C CAMERON DSO ED
Officer Commanding

THIS ORDER No 118
DATED: 15 Jun 49
PLACE: Currie Barracks
CALGARY Alta

5 0 1 0 2

"A" OFFICERS

1 QUALIFICATIONS

(a) Qualified Driver IC (WH) 5 Cwt	ZC-2143	Lt-Col	D C	CAMERON (DSO ED)	RCIC	14 Jun 49

"B" OTHER RANKS

2 STRENGTH INCREASE

(a) TOS from Hold Est No 6 Personnel Depot (Auth: HQ 130-50-0-3 TD 58 (Pers Misc) d/14 Mar 49)	SL-111909	Pte	WOTTON	J E	RCIC	11 Jun 49

3 ATTACHMENTS

(a) Att for R&Q to No 10 MDB	SB-153058	Pte	WARBURTON	A G	RCIC	7 Jun 49
(b) Att for rations cloth & equip from No 10 Personnel Depot	SM-9355	Sgmn	KOBEWKA	J	RCCS	13 Jun 49
	SB-100119	Pte	HAWKESWOOD	R M	RCASC	14 Jun 49
	SB-106528	Pte	MOSHER	B N	RCIC	14 Jun 49
	SF-39388	Pte	SWEENEY	K H	RCIC	12 Jun 49
(c) Att for cloth & equip from No 10 Personnel Depot	SL-68193	Spr	MC LEOD	W W	RCE	28 May 49
(d) Cease Att FAP to RCS of I	SB-153517	Pte	CURRY	R F	RCIC	13 Jun 49
(e) Cease Att for R&Q to No 10 MDB	SF-52348	Pte	BURNS	M W	RCIC	15 Jun 49
	SB-153058	Pte	WARBURTON	A G	RCIC	15 Jun 49
(f) Cease Att for rations cloth & equip from No 10 Personnel Depot	SM-5816	Pte	CLARK	M G	RCIC	11 Jun 49
	SM-9355	Sgmn	KOBEWKA	J	RCCS	14 Jun 49
	SB-3046	Cpl	MORIN	R	RCE	11 Jun 49
	SB-31395	Pte	NICHOLLS	L	RCIC	11 Jun 49
(g) Cease Att for cloth & equip from No 10 Personnel Depot	SM-3047	Pte	PARSONS	H C	RCIC	11 Jun 49

4 LEAVE						
(a) Granted 30 days Annual Lve and 2 days TT with Ration Allce of $20.00 p/m	SL-108167	Pte	ALBERT	S	RCIC	15 Jun 49
(b) Granted 30 days Annual Lve and 5 days TT with Ration Allce of $20.00 p/m	SB-122849	Pte	COCHRAN	H S	RCIC	15 Jun 49
(c) Granted 30 days Annual Lve with Ration Allce of $20.00 p/m	SH-102576	Pte	COUTURE	G	RCIC	15 Jun 49
5 ABSENT WITHOUT LEAVE						
(a) AWL from 0800 hrs	SM-9217	Pte	DIGGENS	R S	RCIC	11 Jun 49
(b) Returns from AWL 1245 hrs	SM-9247	Pte	BELLINGHAM	G H	RCIC	14 Jun 49
(c) Returns from AWL 2000 hrs	SM-9217	Pte	DIGGENS	R S	RCIC	14 Jun 49
(d) Returns from AWL 0930 hrs	SH-61152	Pte	PIGGOTT	R W	RCIC	14 Jun 49
6 MONTHLY ALLOWANCES						
(a) Ceases to draw Risk Allce of $30.00 p/m	SB-153050	Pte	WARBURTON	A G	RCIC	15 Jun 49
7 PUNISHMENTS						
(a) Awarded 5 days CB for an offence under Sec 15(1) AA Absent without leave from 0645 hrs 4 Jun 49 to 1315 hrs 7 Jun 49 (3 days 6 hrs 30 mins) Forf 4 days pay under Para 286(a) R&A (ARMY) TOTAL FORF: 4 days pay.	SB-153688	Pte	BEER	J W	RCIC	7 Jun 49
(b) Awarded 5 days CB for an offence under Sec 15(1) AA Absent without leave from 0800 hrs 1 Jun 49 to 1230 hrs 5 Jun 49 (4 days 4 hrs 30 mins) Forf 5 days pay under Para 286(a) R&A (ARMY) TOTAL FORF: 5 days pay.	SA-125688	Pte	LOMBY	E G	RCIC	7 Jun 49
(c) Admonished for an offence under Sec 15(1) AA Absent without leave from 0930 hrs 7 Jun 49 to 2300 hrs 9 Jun	SH-61425	Pte	SILLIKER	R W	RCIC	10 Jun 49

-25-

" I "

ADDRESS BY DEFENDING OFFICER
IN MITIGATION OF PUNISHMENT

Mr. President and Gentlemen:

Private Ewasiuk has pleaded guilty to the charges brought against him. He is fully aware of the mkstakes which he has made, and realizes he must pay a penalty for them. There are circumstances in this young soldier's case, however, which bear scrutiny before the penalty is decided upon.

Private Ewasiuk is now 21 years of age. More than five years ago, at the age of 16, he enlisted in the Army and, after training, proceeded to the United Kingdom. When his age was discovered he was returned to Canada and, at his parents' insistence, and against his own wishes, was discharged from the Army. The frustration caused by this experience is easy to imagine.

From 1945 to 1948 Private Ewasiuk worked at many jobs, helping to support his mother and father, both of whom were unwell. His younger sister has only recently begun to work. His elder brother is a war pensioner. During this period Ewasiuk was restless with disappointment over his discharge and hindered in obtaining steady employment by his lack of a trade.

With the idea of learning a useful trade, and bearing in mind what he had seen in Army recruiting posters, Ewasiuk applied to enlist in one of the technical corps. After a two-week period of waiting, during which he was without work, Ewasiuk was informed that the only vacancies were in the Infantry. At the same time he was told that skilled trades existed in the Infantry, and that it was most likely that he would be able to arrange a transfer after enlistment. Under these circumstances Ewasiuk enlisted and immediately volunteered for parachute training.

Ewasiuk carried out his training successfully, including his parachute course at Rivers. In one report he is credited with capabilities of leadership.

During the period before his absence Ewasiuk had cause for dissatisfaction and depression. He made several applications for transfer, but received no definite answer. A personnel officer suggested that he lacked the education necessary for a transfer. Finally he was insulted by a medical officer who, without justification, and without doing anything to ease the discomfort it caused, told him that due to his acne he would never make a soldier and should never have been accepted into the Army.

Ewasiuk himself realizes that his absences were inexcusable. However, he terminated both of them by voluntary surrender. In July 1949 he returned to Currie Barracks with the intention of surrendering, but, unfortunately became involved in a drinking party, in the course of which he was advised not to surrender. He borrowed a friend's uniform and went downtown. The next morning, dazed and uncertain, he found himself hitch-hiking to Winnipeg.

Private Ewasiuk has only just reached the age at which he can be accepted as an adult, yet he has suffered many disappointments. His civilian career was most unsatisfactory. In the Army he was denied a chance of active service, and later lost his treasured wings. He has spent since the 12th of September — 46 days — in detention at Winnipeg.

Wainwright and Calgary, awaiting trial.

This man has been described by a personnel officer as a potential tradesman with a high average learning ability. He is strong, alert and healthy. He is fluent in two languages, English and Ukrainian. I believe that his sentence should be mitigated by the circumstances, and that he should be given the opportunity to prove, not only to the Army but to himself also, that he is a man capable of doing a man's job and doing it well. I thank you.

President: You mentioned something about the wings that he lost. Under what circumstances did he lose them?

Defending Officer: They were taken away from him, sir, by Colonel Cameron, on his return to Wainwright in September.

President: The reason being?

Defending Officer: As punishment for his absence, sir.

"Y" -53-

"Y"

E. Bissonnette Major
President, D.C.M.

M.F.R. 353
50M—6-43 (7476)
H.Q. 1773-39-629
A.F.R. 294

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
SH 23523	Pte	EWASIUK, Peter	PPCLI

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	NEGLECT TO PREJ etc	2 times	NEGLECT TO PREJ etc	2 times
For	CONDUCT TO PREJ etc	2 times	CONDUCT TO PREJ etc	2 times
For	DISOBEYING A LAWFUL COMMAND	1 time	DISOBEYING A LAWFUL COMMAND	1 time
For	USING INSUBORDINATE LANG TO A SUP OFFR	1 time	USING INSUBORDINATE LANG TO A SUP OFFR	1 time

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

2. The accused has not been previously convicted by a Civil Court or Court Martial or awarded under

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

or,

days

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 19 48 days in military custody, making a total of 19 48 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 21 yrs 5 mos 10 day

6. The date of his attestation enrolment specified in his enrolment and attestation paper is 1 Dec 48

7. The service which the accused is allowed to reckon towards discharge is 11 mos 1 days

8. The accused is entitled to reckon 11 mos 1 days service for the purpose of determining his pension, etc.

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

E.

Permanent Force
unit
.....dated....., and in his regiment (or corps) the .....

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

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.....Rank.....
Unit
Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

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 28th day of October 1949 (P.O. STAYNER) Capt
Offr IC Records PPCLI

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

Affidavit

PROVINCE OF ONTARIO
COUNTY OF CARLETON
TO WIT:

I, Jeannine Beaulne of the City of Ottawa, in the County of Carleton, an employee of the Department of National Defence, make oath and say:

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

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

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

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

.....
A NOTARY PUBLIC

Appendice "A" to the affidavit

dated .....

March 10 1951

CAMERA OPERATOR'S REPORT

PRODUCTION DATA	DATE	HOUR
STARTED		
FINISHED		
TOTAL NO. OF HOURS		35 min.
TOTAL NO. OF IMAGES		441

JOB NO. 44 REEL NO. E-4

BOOK NO. 21

INDEXING DATA

44-E-44

BEGINS WITH C.55-E-354

1.

2.

3.

ENDS WITH C.55-E-364

J.B

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

CENTRAL REGISTRY MICROFILMING UNIT.

44.E.4A

END

FIRST

SIDE