

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/100/439

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Declassified E.O. 12356 Section 3.3/NND No.

785015

10000/100/439

CAMP COMMANDANT, MISCELLANEOUS
NOV. 1943 - MAR. 1944

20pp

(SECRET)

To :- H.Q. ALGERS SUB-DISTRICT.

Report of move ~~into~~/out of ALGERS SUB-DISTRICT.

1. Designation of unit.
2. ~~From~~/to Location.
3. Date of ~~arrival~~/Departure
4. Unit Job Serial Number.
5. Vehicle Marking Number.
6. War Establishment.

1st Govt School & Holding Centre
TIZI-OUZOU.
14 Mar 44
19924
I.G.H.C.
266/1

Field.

13 MAR 44

R. H. Robertson Lt.-Col.,
R. H. ROBERTSON,
Commandant,
H. Q. S. & H. C.

6439

6462727	C.3.16.	Baker	P.	R. Fus.
768669	Sgt.	Waine	A.J.	Wits.
2989591	Sgt.	Leistman	G.	R. Scots.
2659903	I/3Jr.	Leiston	G.	Coldstream Ad.
6295602	Cpl	Goodsell	G.	Buffs.
1/6341006	"	Brown	M.G.	R.A.S.O.
3853416	"	Dawson	J.	A.C.F.
2/39225	"	Fisher	R.C.	R. Sussex.
4395279	I/Cpl	Millinson		D. W.R.
6459640	"	Wright	E.T.	Reces.
3954895	"	Davies	J.R.	Welch Rgt.
14270020	Pte	Bevo	R.	Black Watch
4985325	"	Rylatt	H.	A.C.C.
7912444	"	Bison	B.	A.C.C.
4987239	"	Ball	T.	Sher. For.
4034514	"	Attwood	J.	E.O.V.I.I.
6353152	"	Jalter	J.A.	R. F.K.
6478266	"	Raney	M.T.	R. Fus.
1344259	"	Roberts	R.	R. F.K.
1/40593	"	Page	A.	R. Sussex.
3715634	"	Geggie	T.	Loyals
6030730	"	Lebb	J.	Sher. For.
3455900	Pus.	Woodcock	M.	Lincs. Fus.
4867938	Pte	Matthews	L.	Leics.
1451520	Pus.	Savage	J.G.	R. Fus.
3851893	Pte	Murray	T.	D.L.I.
704515	Pus.	McManhan		R.I.R.
6294168	Pte	Treadgold	G.	Buffs.
3805337	"	Rothwell	G.	Loyals
3865913	"	Fletcher	R.	Loyals.
4699467	"	Homer	J.	L.O.I.L.I.
2987417	"	Paul	H.R.	A.A.B.H.
4466420	Cpl	Deeds	T.	D.L.I.
403056	Pte	Lawrence	T.	E. Surrey.
7895271	"	Cavell	L.	Green Howards
2619031	Sgt.	Stoddall	S.	Green. Gili.
2763126	Pte	Bruges	T.	Black Watch

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FINAL ROLL OF POOL PERSONNEL
TRAVELLING WITH MAIN PARTY.

No.	Rank.	Name.	Unit.
7944615	Pte	Orington	A.C.C.
13081246	"	Cod	A.C.C.
5033226	Tpr	Jones	R.A.C.
7921234	"	Cobb	R.A.C.
40426229	Pte	Newbury	K.S.L.I.
6411705	"	Hillman	R. Sussex.
3445890	Fus.	Houghton	Lancs. Fus.
6335044	Pte	Payne	E. Surreys
4309301	"	Rainbow	Leics.
5109267	L/Cpl	Ashford	Pioneer Corps
7009767	Pte	Nixon	Leics.
2578640	"	Skates	K.O.Y.L.I.
4980768	"	Bearder	Shar. For.
13084221	"	Acton	Pioneer Corps
6516518	Sgt.	Mallard	A. & J.R.
4988735	Pte	Durkin	S. Staffs.
6467538	Fus.	Connor	R. Fus.
6541463	"	Larvin	"
3885413	Pte	Laidlaw	Northants
3/72613	S.P.H.S.	Smith	R.A.S.C.
4621876	Dvr	Davies	"
4544607	"	Hill	"
5775409	"	Holloway	"
14609839	"	Hull	"
14606186	"	James	"
14424285	"	Laypin	"
4544272	"	Latham	"
14297283	"	McClelland	"
10667481	"	Niel	"
14293637	"	Parsons	"
4694637	"	Parkinson	"
14373571	"	Price	"
291028	"	Perry	"
14611166	"	Reid	"
14606023	"	Richardson	"
6146047	Pte	Skull	E. Surreys
5385684	Dvr	Jyrad	R.A.S.C.
14589114	"	Stallane	"
4856797	"	Teace	"
14592438	"	Weston	"
14385733	"	Wainwright	"
14204560	"	Wadsworth	"
14607091	"	Watson	"
2035064	Gnr	Parks	R.A. (L.A.A.A.)
5096054	Lvr	Streeter	R.A.S.C.
6411990	"	Preston	"
T/117537	"	Thurley	"

3885413	Pte	Larvin	P.	"	Northants
3/72613	Lt. J.R.S.	Laidlaw	T.	"	R.A.S.C.
4521876	Dvr	Smith	F.L.	"	"
4514607	"	Davies	B.	"	"
5775409	"	Hill	H.	"	"
14609839	"	Holloway	J.	"	"
14606188	"	Hull	"	"	"
14424285	"	James	"	"	"
4544272	"	Lappin	"	"	"
14297283	"	Latham	S.	"	"
10667481	"	McClelland	S.	"	"
14293637	"	Niel	J.	"	"
4694637	"	Parsons	D.T.	"	"
14373571	"	Parbinson	H.	"	"
291028	"	Price	"	"	"
14611166	"	Perry	L.	"	"
14606023	"	Reid	P.	"	"
6146047	"	Richardson	"	"	"
5385684	Pte	Skull	G.	"	"
14589114	Dvr	Syran	J.	"	S. Surreys
4856797	"	Skellane	E.	"	R.A.S.C.
14592438	"	Teece	L.	"	"
14395793	"	Weston	H.	"	"
14201560	"	Whitwright	R.J.	"	"
14607091	"	Wadsworth	A.	"	"
2035064	"	Watson	J.	"	"
6096054	Gur	Parks	"	"	"
6411990	Dvr	Streeter	L.H.	"	R.A. (L.A.A.A.)
T/117587	"	Preston	"	"	R.A.S.C.
13809463	"	Thurley	E.	"	"
13809431	"	Berkowicz	A.H.	"	"
13809280	"	Gunnelfinger	S.	"	"
13809296	"	Schafer	K.G.	"	"
13809531	"	Peifel	B.	"	"
13809388	"	Scariglia	J.	"	"
13809316	"	Roeber	V.	"	"
1439344	"	Konieczny	H.	"	"
4908411	"	Peel	"	"	"
5496160	Pte	Hawkins	J.	"	"
5393476	Dvr	Stephens	H.	"	S. Staffs.
14261240	"	Stammore	O.N.	"	R.A.S.C.
14344626	"	Mooney	P.	"	"
4908746	"	Green	J.	"	"
4030174	Pte	Chuter	H.	"	"
13809413	L/Cpl	Jones	F.	"	S. Staffs.
6095353	Dvr	Mathis	D.	"	K.S.I.I.
	Cpl	Trillo	K.	"	R.A.S.C.
			F.	"	R. Fus.

Sheet 3.

NOMINAL ROLL OF BR. ADMIN STAFF
TRAVELLING WITH I. P. Coy.

No.	Rank.	Name.	Unit.
1/4031041	S. S. S. S.	Wyatt	R. A. S. C.
3/179462	"	Constable	"
3/3378032	"	Glaister	"
3247879	Sgt.	Jamieson	Gordons
8/134558	"	Twigg	P. A. S. C.
3/195691	Cpl	Allyn	"
3/10693066	"	Howell	"
3/4351043	"	Robinson	"
8/11413102	L/Cpl	Hills	"
3/14409434	Pte	McLuffe	"
3/212708	"	Williams	"
2656161	L/Sgt.	Bast	Colustram Gas.
5808143	"	Hooton	Northants.
7757185	Cpl	Vox	S. Staffs.
14313849	L/Cpl	Robinson	Sh. R. For.
6479451	Pte	Smith	R. Fus.
3608658	Pte	Cragg	Sh. R. For.
4039416	"	Jeffs	K. S. L. I.
6970164	Tpr.	Johnson	Recce.
1149088	Gnr.	Rylance	R. A. (Field)
6012884	Gdsm	Webb	Colustram Gas.
4032671	Pte	Yeo	K. O. Y. L. I.
3865936	"	Cass	Loyals.
6353100	"	Kelman	R. A. K.
14334180	Lvr	Kiouier	R. A. S. C.
2684307	Pte	McDonald	Gordons
4926754	"	Harley	S. Staffs.

9000143	Hooton	B.	Northants.
7757185	Pox	B.R.W.	B. Staffs.
14313849	Robinson	G.W.	Shr. For.
6479451	Smith	L.V.	R. Fus.
3608658	Cragg	A.	Shr. For.
4039416	Jeffs	H.	K.B.L.I.
6970164	Johnson	T.J.	Reece.
1149088	Rylance	J.W.	R.A. (Field)
6012884	Webb	H.A.	Colustram Gas.
4032871	Yeo	D.	K.O.V.L.I.
3865956	Cass	A.	Loyals.
6353100	Kelman	G.	R.A.K.
14334180	Knauler	R.	R.A.S.C.
2884807	McDonalda	W.	Goruons
4926754	Harley	W.	S. Staffs.

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H.C. R.I.R. PARTY.Officers.-

Lieut. E. Hoyle 242757 D.F.R.
 Lieut. R.V. Dudley-Clarke 162690 R.I.F.

Other Ranks.-

<u>Number.</u>	<u>Rank</u>	<u>Name.</u>	<u>Unit.</u>
2561919	Sgt.	Pook	S. Staffs.
7/95606	"	Chipperton	R.A.A.C.
4611970	"	Blackburn	R.A.A.C.
2662157	L/Sgt.	Cumberlind	R.A.A.C.
3715047	Pte	Darcy	Colustram Gas.
5/14553805	"	Stevens	A. & S.H.
4037302	"	Arbunton	R.A.A.C.
4685796	"	Burton	A.A.C.
2984261	L/Cpl	McPhail	A.A.C.
6147187	"	Rackner	A. & S.H.
6917204	Rgn	Jennings	E. Burreys.
2184242	Pte	Hughes	R. Bde.
3858757	"	Heywood	A. & S.H.
6478799	Pte	Turner	Loyals
6100274	Pte	Pooler	R. Fus.
680947	Dvr	Clarke	E. Burreys.
14597668	"	Gre-torex	R.A.A.C.
7/221846	"	Bridale	"

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2662157	I/3jt.	Cumberland	3.	Colustream Gas.
3715047	Fte	D'Arcy	W.	A. & S.E.
5/14553805	"	Stevens	A.H.J.	R...C.
4037802	"	Marburton	R.	A.C.C.
4685796	"	Burton	J.E.	A.C.C.
2984261	L/Cpl	LePhail	J.	A. & J.H.
6147187	"	Rackner	A.	E. Surreys.
6917204	Pfn	Jennings	T.	R. Bde.
2184242	Ptc	Hughes	J.	A. & J.H.
3858757	"	Haywood	J.	Loyals
6478799	Pas.	Turner	T.	R. Fus.
6100274	Pts	Pooler	C.	E. Surreys.
680947	Dvr	Clarke	F.G.	R...C.
14597668	"	Gre torex	K.	"
T/221846	"	Brindale	T.	"

Subject :- Disposal of Low Category Personnel.

ASC/7/1

Officer Commanding,
437 Gen Hq Coy, R.A.S.C.

271326 Pte Haddon, P. (E. Surrey Regt)

Reference your 481/2 dated 9 Mar 44 in respect of the a/l.
This to confirm verbal message of yesterday's date given by
Lieut Dudley-Clarke.

Pte. Haddon was admitted to 96 Gen Hosp on 27 Feb and was
posted on discharge to 3 Bn I.R.T.D. A copy of the posting
instructions are held at this H.Q., and it is assumed therefore
that this man is now with the 3Bn I.R.T.D.

Field.

11 Mar 44

6434
Lt.-Col.,
R. H. ROBERTSON,
Commandant,
M. G. I. & H. C.

Subject :- Discipline.

Headquarters,
Algiers Sub-District.

A30/0/1

Reference telephone conversation with Staff Captain "A" this afternoon, there is enclosed herewith original Summary of Evidence along with one copy, also AF B252 relating to the charges against 3308138 Pte HAZELTON, A.

I shall be glad to have your advice in this case.

Field.

25 Feb 44.

 Lt.-Col.,
R. H. ROBERTSON,
Commandant,
M. G. S. & H. C.

6435

(See King's Regulations)

Regiment

Battery
Squadron
Troop or
Company

Name HANLON, A.

W.O.A.3. Striking his superior officer

Chipperton, T.F. who was at the time N.C.O. i/c British Motor Pool.

2. N.O.A.S. Offering violence to his superior officer in that he in the field on 23/2/44 when ordered by T/95609 Bjt Chipperton, T.F. to get out of his bed and dress attempted to strike the said N.C.O.

3. W.O.A.S. Conduct to the prejudice of good order and military discipline i.e. having a native woman in his bed.

Names of Witnesses :—

Sgt Chipperton, L/Cpl McPhail, L/Cpl Rickner,
Pte Peeler, Pte Hughes, Pte Stephens.

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

Punishment

Awarded LT-Col. R. H. Robertson, Commandant MGS ^{24/2/64} & HC

By whom

Awarded

Lt. Colonel Lt. Colonel. 643
 Command. M. S. H. C. P.T.O.

1.	T/95609	Sgt. Chippert	T	✓	R.A.S.C.	N.C.	i/c M.T. Pool
2.	2981261	L/Cpl. McPhail	D	✓	A & S. H.	Occupant of tent.	
3.	6147197	L/Cpl. Fickner	A	✓	E Surrey	"	"
4.	6100274	Pte. Pooler	C	✓	E Surrey	"	"
5.	2984242	Pte. Hughes	J	✓	A. & S. H.	"	"
6.	221846	Dvr Brindle	T	✓	R.A.S.C.	"	"
7.	4466420	Cpl. Dodds	T	✓	D.L.I.	Stadium Guard Commander	
8.	14621876	Dvr. Davies	S	✓	R.A.S.C.	Stadium Guard, Member of	
9.	4544272	" Latham	S	✓	"	"	"
10.	4694637	" Parkinson	A	✓	"	"	"
11.	5496160	" Stephens	O.N.	✓	"	"	"
12.	5385684	" Syrad	E	✓	"	"	"

3308438 Pte Henlon A Black Watch. *Quarantined.*

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Summary of Evidence in the case of 3308438 Private A. HANLON 5th Bn
Black Watch.

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

1st Witness :

T/95609 Sgt CHIPPERTON, T., R.A.S.C. Having been duly sworn states :-

"I am M.T. Sgt of the M.T. Pool at the Military Govt. School & Holding Centre. At 2045 hrs on the 23 Feb 1944 I was seated in the M.T. Office at the M.T. Pool. I heard shouting from the direction of the tent occupied by the accused (whom I now recognise). I then overheard a conversation to the effect that there was a woman in the accused's tent. I definitely heard the word 'woman' mentioned. This conversation was held in the next section of my Nissen Hut. I left the M.T. Pool Office in a few minutes and entered the accused's tent on the pretext of asking for Dvr Brindle who is one of the occupants of the accused's tent. The accused's bed was occupied. I then spoke to L/Cpl Rickner and asked him if there was a woman in the tent. He replied 'I am not having any more to do with it' or words to that effect whereupon I reentered the tent and ordered the accused to get dressed. He sat up in bed and I saw the native woman in bed with him. She was dark-skinned and was wearing a coloured garment. At this stage there was an electric light furnished from a battery which gave sufficient illumination to see all that I was immediately concerned with. I ordered the native woman out. The accused said 'Who is charging me' I replied 'I am'. The woman disappeared. The woman may have disappeared before the accused spoke to me. He made some remark which sounded like 'You bastard' 'I've been waiting for this', and struck me in the face with his right fist. We both tumbled to the floor and the light went out I felt several more blows on my face and we rolled out underneath the tent. He then made a remark to someone in the tent 'Have you a piece of wood or a hammer to finish it off' or words to that effect. I got up and the accused tried to drag me back into the tent. At the same time he said 'Get back into that tent'. I broke free from him and returned to the M.T. office where I telephoned for the Guard Commander, Sgt Leishman. I am not prepared to swear that L/Cpl Rickner saw what was taking place in the tent but I have reason to suppose that he was immediately behind me because, after I had spoken to him as I have stated before, he moved in the direction of the accused's tent which was approximately a matter of six yards away. When I telephoned the Guard Commander I instructed whoever was at the phone to bring Sgt Leishman to the phone. I didn't wait for him to come to the phone but proceeded to the sentry post at the entrance to the M.T. Pool and saw a sentry and enquired for the M.T. Pool Guard Commander. I was told he was not available so I returned to the M.T. office accompanied by two members of the Guard. I next telephoned to Sgt Leishman and asked him to come down. He could not come, I then telephoned Sgt Jamieson, the Orderly Room Sgt. of H.Q. Coy. to come down which he did. Dvr Stephens now reported that he had seen a native woman crying in the wash house and he had sent her away. It was reported that the accused had gone on to the dispensary and Sgt Jamieson and I proceeded there. I saw the accused there. I informed him that he was under close arrest and made the necessary arrangements for his arrest. In the accused's tent I saw a Jerry Can used as a fireplace."

X examined by accused

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sat up in bed and I saw the native woman in bed with him. She was dark-skinned and was wearing a coloured garment. At this stage there was an electric light furnished from a battery which gave sufficient illumination to see all that I was immediately concerned with. I ordered the native woman out. The accused said 'Who is charging me?' I replied 'I am'. The woman disappeared. The woman may have disappeared before the accused spoke to me. He made some remark which sounded like 'You bastard' 'I've been waiting for this', and struck me in the face with his right fist. We both tumbled to the floor and the light went out I felt several more blows on my face and we rolled out underneath the tent. He then made a remark to someone in the tent 'Have you a piece of wood or a hammer to finish it off' or words to that effect. I got up and the accused tried to drag me back into the tent. At the same time he said 'Get back into that tent'. I broke free from him and returned to the M.T. office where I telephoned for the Guard Commander, Sgt Leishman. I am not prepared to swear that L/Cpl Rickner saw what was taking place in the tent but I have reason to suppose that he was immediately behind me because, after I had spoken to him as I have stated before, he moved in the direction of the accused's tent which was approximately a matter of six yards away. When I telephoned the Guard Commander I instructed whoever was at the phone to bring Sgt Leishman to the phone. I didn't wait for him to come to the phone but proceeded to the sentry post at the entrance to the M.T. Pool and saw a sentry and enquired for the M.T. Pool Guard Commander. I was told he was not available so I returned to the M.T. office accompanied by two members of the Guard. I next telephoned to Sgt Leishman and asked him to come down. He could not come, I then telephoned Sgt Jamieson, the Orderly Room Sgt. of H.Q. Coy. to come down which he did. Dvr Stephens now reported that he had seen a native woman crying in the wash house and he had sent her away. It was reported that the accused had gone on to the dispensary and Sgt Jamieson and I proceeded there. I saw the accused there. I informed him that he was under close arrest and made the necessary arrangements for his arrest. In the accused's tent I saw a Jerry Can used as a fireplace."

X examined by accused

- Q.1. Did you have anything to drink during the evening?
 A.1. "I had a bottle of French Beer to my dinner at 1845 hrs".
- Q.2. Was my name mentioned in the conversation you heard in the Nissen Hut?
 A.2. "No."
- Q.3. In that case how did you connect me with the woman?
 A.3. "In my mind I did not connect any one individual with the woman."
- Q.4. What colour was the woman's clothes?
 A.4. "I cannot say for certain but there was a certain amount of red in it."
- Q.5. How tall was she?
 A.5. "I have no idea but she appeared to be small."
- Q.6. Did you at any time shout for assistance?
 A.6. "I do not recollect shouting for assistance."

Read over and confirmed

Signed T.F. Chipperton Sgt.

Sheet 2.

2nd Witness :

2984261 L/Cpl McPhail, D. 8th Bn A & S.H. having been duly sworn states :-

"I'm a driver in the M.T.Pool. I share a tent with the accused and L/Cpl Rickner Pte Hughes, Pte Pooler and Dvr Brindle. I left the tent between 1800 and 1900 hrs with L/Cpl Rickner and Pte Brindle. We returned to the tent sometime before 2000 hrs. I saw Pte Hughes and Pooler in the tent and noticed (Pte Hanlon) the accused in bed. We sat down and in a few minutes Sgt Chipperton came to the tent inquiring for Dvr Brindle. I told him Dvr Brindle had just gone out. He then asked for L/Cpl Rickner. Sgt Chipperton and L/Cpl Rickner then left the tent. There is a small electric light in the tent which we fixed up ourselves but which goes out at the least shake. I didn't speak to the accused. Pte Hughes and Pte Pooler were in the tent with me. I noticed nothing unusual in the tent. I didn't see a woman in the tent. I left the tent after about 20 minutes and remained out about an hour and when I returned I noticed my bed had been upset and Pte Hanlon had gone out. There was the usual electric light in the tent and Pte Pooler and Hughes were in the tent. I asked them what had happened and was informed that the accused had gone to the dispensary. It is a common thing for the beds to be disarranged through fooling about at night. It seemed odd to me that the accused had gone off to the dispensary and I asked Pte Hughes and Pooler what had happened but they told me they didn't know. A little later, Sgt Chipperton came into the tent and said he wanted to speak to me. He said 'Did you see Pte Hanlon strike me' or words to that effect. I said 'No'. He then said 'Have you seen a woman in the tent'. I told him there was no woman in the tent so he said 'You can tell that to the Company Commander in the morning'. Sgt Chipperton then ordered Pte Hughes to take the accused's kit to the Guard Room".

The accused declines to cross-examine this witness.

Read over and confirmed.

Signed D. McPhail L/Cpl.

3rd Witness :

6147197 L/Cpl A. Rickner 1st Bn E. Surrey Regt. having been duly sworn states :-

"I am the Driving and Maintenance Cpl of the M.T. Pool and I share a tent with the accused and L/Cpl McPhail, and Ptes Pooler, Hughes and Brindle. On the evening of 23 Feb I left the tent between 1800 and 1900 hrs and was with L/Cpl McPhail and Dvr Brindle in the canteen until about 2000 hrs. I returned to the tent about 2015 hrs and went straight into the tent and placed my water bottle on my bed and went straight out again. The light was out. I could just see the accused under his blankets. He seemed to be asleep. As I left the tent my arm was seized by Sgt Chipperton who took me inside the Nissen Hut and asked me whether I had seen a woman in the tent. I told him I had not seen a woman in the tent and added that there must be something wrong with his eyes. I did not say 'I am not having any more to do with it'. I left the Camp to look for my mail about 2020 hrs. I returned to the tent about 2230 hrs. I had been to the Central. There was nothing unusual about the tent except that the accused was absent. I went straight to bed. I knew nothing about the incident of the accused having been accused of striking Sgt Chipperton until this morning. I did not at any time see a woman in the tent nor have I ever seen a woman in the M.T. Pool enclosure. I did not

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and was informed that the accused had gone to the dispensary. It is a common thing for the beds to be disarranged through fooling about at night. It seemed odd to me that the accused had gone off to the dispensary and I asked Pte Hughes and Pooler what had happened but they told me they didn't know. A little later, Sgt Chipperton came into the tent and said he wanted to speak to me. He said 'Did you see Pte Hanlon strike me' or words to that effect. I said 'No'. He then said 'Have you seen a woman in the tent'. I told him there was no woman in the tent so he said 'You can tell that to the Company Commander in the morning'. Sgt Chipperton then ordered Pte Hughes to take the accused's kit to the Guard Room.

The accused declines to cross-examine this witness.

Read over and confirmed.

Signed D. McPhail L/Cpl.

3rd Witness :

6147197 L/Cpl A. Rickner 1st Bn E. Surrey Regt. having been duly sworn states :-

"I am the Driving and Maintenance Cpl of the M.T. Pool and I share a tent with the accused and L/Cpl McPhail, and Ptes Pooler, Hughes and Brindle. On the evening of 23 Feb I left the tent between 1800 and 1900 hrs and was with L/Cpl McPhail and Dvr Brindle in the canteen until about 2000 hrs. I returned to the tent about 2015 hrs and went straight into the tent and placed my water bottle on my bed and went straight out again. The light was out. I could just see the accused under his blankets. He seemed to be asleep. As I left the tent my arm was seized by Sgt Chipperton who took me inside the Nissen Hut and asked me whether I had seen a woman in the tent. I told him I had not seen a woman in the tent and added that there must be something wrong with his eyes. I did not say 'I am not having any more to do with it'. I left the Camp to look for my mail about 2020 hrs. I returned to the tent about 2230 hrs. I had been to the Central. There was nothing unusual about the tent except that the accused was absent. I went straight to bed. I knew nothing about the incident of the accused having been accused of striking Sgt Chipperton until this morning. I did not at any time see a woman in the tent nor have I ever seen a woman in the M.T. Pool enclosure. I did not see the accused strike Sgt Chipperton. I did not return to the tent when Sgt Chipperton asked me if I had seen a woman in the tent because I thought it was unnecessary. I am certain that had there been a woman in the accused's bed I would have seen her. I am not certain if there was anyone else in the tent when I went into it with my water bottle about 2015 hrs. I know of no reason why the accused should be charged with striking Sgt Chipperton nor have I any knowledge of the accused having had a woman in his bed. My bed was tidy and undisturbed and the water bottle was still standing on it. I have nothing farther to add.

The accused declines to cross-examine this witness.

Read over and confirmed.

Signed L/Cpl Rickner, H.

6430

Sheet 3.

4th Witness.:

6100274 Pte Pooler, C 1/6th Bn E.Surrey Regt having been duly sworn states :-

"I am a driver in the M.T. Pool and I share a tent with the accused and L/Cpl McPhail, L/Cpl Rickner and Ptes Hughes and Brindle. I left the tent about 1800 hrs and I returned with Pte Hughes about 1930 hrs. The tent was in darkness except for a small fire which was burning. I noticed the accused in bed. He appeared to be sleeping. I did not see a woman in the tent. I would have seen one had she been in the tent but I doubt if I would have seen one ~~had~~ had she been in the accused's bed. After 2000 hrs while I was talking with L/Cpl McPhail, L/Cpl Rickner and Pte Hughes I heard Sgt Chipperton ask for Dvr Brindle. He was told that Dvr Brindle had gone to the pictures. Sgt Chipperton came into the tent and then cleared off. Shortly afterwards L/Cpl McPhail and L/Cpl Rickner left the tent. I was talking with Hughes and was lying back on the bed when Sgt Chipperton returned and told the accused to get up and get dressed. I've no idea what the time was. After that there was a scuffle and by the time I had roused myself there was only me and Hughes in the tent. I did not see the accused strike Sgt Chipperton. The scuffle was caused by the rolling about on the ground of the accused and Sgt Chipperton. I knew this by the sound and can only explain their disappearance from the tent by the fact that they must have rolled out of the tent. I did not hear the accused say 'You bastard, I've been waiting for this' nor did I hear the accused say 'Have you a piece of wood or a hammer to finish it off'. The accused came into the tent and I noticed he had blood on his forehead and he said he was going to the dispensary to be certified that he was sober. The light could have been knocked out in the scuffle. The bed I was lying on was 4 or 5 yards from the accused's bed. I saw the accused on his bed sitting up but I didn't notice what happened after that. I then put the light on and found Sgt Chipperton and accused had left the tent. 10 minutes after the accused had left for the dispensary Sgt Chipperton came in for his hat which he found on Hughes' bed which I think must have fallen in the scuffle. The accused's bed is at the tent entrance.

The accused declines to cross-examine this witness.

Read over and confirmed.

Signed C.Pooler Pte.

5th Witness :

2984242 Pte Hughes, J. 8th Bn Argyll & Suth. Highlanders having been duly sworn states:-

I am a driver in the M.T. Pool and share the tent with the accused and others. I left the tent about 1800 hrs on 23 Feb 44 with Pte Pooler and returned to the tent with him about 1930 hrs. I saw the accused in his bed. He appeared to be asleep. Pte Pooler had gone to the latrine and came in a few minutes later. We both sat on Pte Pooler's bed and sometime later L/Cpl McPhail and L/Cpl Rickner came in. L/Cpl left almost immediately and L/Cpl McPhail a few minutes later. Later when I was thinking of going to bed I heard voices at the far end of the tent and then a scuffle. The light was out and the fire was very low. I saw nothing at all but later the accused came in and said he was going to the dispensary. I saw blood on his forehead. Pte Pooler had

rolled out of the tent. I did not hear the accused say 'You bastard, I've been waiting for this' nor did I hear the accused say 'Have you a piece of wood or a hammer to finish it off'. The accused came into the tent and I noticed he had blood on his forehead and he said he was going to the dispensary to be certified that he was sober. The light could have been knocked out in the scuffle. The bed I was lying on was 4 or 5 yards from the accused's bed. I saw the accused on his bed sitting up but I didn't notice what happened after that. I then put the light on and found Sgt Chipperton and accused had left the tent. 10 minutes after the accused had left for the dispensary Sgt Chipperton came in for his hat which he found on Hughes' bed which I think must have fallen in the scuffle. The accused's bed is at the tent entrance.

The accused declines to cross-examine this witness.

Read over and confirmed.

Signed C.Pooler Pte.

5th Witness :

2984242 Pte Hughes, J. 8th Bn Argyll & Sutherland Highlanders having been duly sworn states:-

I am a driver in the M.T.Pool and share the tent with the accused and others. I left the tent about 1800 hrs on 23 Feb 44 with Pte Pooler and returned to the tent with him about 1930 hrs. I saw the accused in his bed. He appeared to be asleep. Pte Pooler had gone to the latrine and came in a few minutes later. We both sat on Pte Pooler's bed and sometime later L/Cpl McPhail and L/Cpl Rickner came in. L/Cpl left almost immediately and L/Cpl McPhail a few minutes later. Later when I was thinking of going to bed I heard voices at the far end of the tent and then a scuffle. The light was out and the fire was very low. I saw nothing at all but later the accused came in and said he was going to the dispensary. I saw blood on his forehead. Pte Pooler had put the light on. The two beds by the door were disturbed. I did not see Sgt Chipperton. I could not hear a word of what had been said. About 2200 hrs L/Cpl McPhail and Rickner returned and asked what had been happening. I told them there had been a scuffle and that the accused had gone to the dispensary. I don't remember Sgt Chipperton coming in for his hat. Later I was just going to bed when Sgt Chipperton appeared and ordered me to take the accused's bedding to the Guard Room. I do not know what the scuffle was about. I did not see a woman in the tent and I'm almost sure I would have known if there was a woman in the accused's bed.

X examined by accused :

Q.7. Did you hear Sgt Chipperton shout while the scuffle was on?

A.7. No.

Q.8. Had Sgt Chipperton shouted for help do you think you could have heard him?

A.8. Yes

Read over and confirmed.

Signed J. Hughes. Pte.

Sheet 4.

6th Witness :

221846 Dvr Brindle, T. R.A.S.C. having been duly sworn states:-

I am a driver in the M.T.Pool and share a tent with the accused and others. About 1900 hrs on the 23rd Feb 44 I left the tent for the canteen and returned about 2000 hrs. The tent was in darkness and I did not see the accused in it, but I saw L/Cpl Rickner and L/Cpl McPhail, and I left for the Cinema almost at once. I finally returned to the tent about 2300 hrs. I knew nothing about the scuffle in the tent nor about a woman.

The accused declines to cross-examine this witness.

Read over and confirmed.

Signed T.Brindle.

7th Witness :

4466420 Cpl Dodds, T. 16th BnD.L.I. having been duly sworn states :-

"On the 23rd Feb 44 I was Guard Commander of the Stadium Guard which mounted at 1700 hrs. This is the M.T. Pool. I posted two sentries, one at each gate. They were duly relieved at 1900 hrs and replaced by Pte Latham and Dvr Parkinson. I took the first two to the Canteen for hot tea which is the custom about 2045 hrs. I know nothing about the charges against the accused as I was not present at the time. When I returned, one of the relief sentries had gone with the accused to the dispensary. It was reported to me that an Arab woman was seen in the wash house.

Cross examined by accused.

Q.9. Was the woman reported to be in the wash house or in the vicinity of the wash house?

A.9. In the vicinity of the wash house.

Read over and confirmed.

Signed T.Dodds Cpl.

8th Witness :

14621876 Dvr Davies, S. R.A.S.C. having been duly sworn states :-

"On the 23rd Feb at 1700 hrs I was the sentry at the large gate at the Stadium. Nothing unusual happened during my tour of duty.

X-examined by accused.

Q.10. Did you during your tour of duty see or allow any native woman to enter the M.T.Pool?

A.10. I did not see nor did I allow any woman to enter the M.T. Pool.

Read over and confirmed.

Signed S. Davies

"On the 23rd Feb 44 I was Guard Commander of the Stadium Guard which mounted at 1700 hrs. This is the M.T. Pool. I posted two sentries, one at each gate. They were duly relieved at 1900 hrs and replaced by Pte Latham and Dvr Parkinson. I took the first two to the Canteen for hot tea which is the custom about 2045 hrs. I know nothing about the charges against the accused as I was not present at the time. When I returned, one of the relief sentries had gone with the accused to the dispensary. It was reported to me that an Arab woman was seen in the wash house.

Cross examined by accused.

Q.9. Was the woman reported to be in the wash house or in the vicinity of the wash house?

A.9. In the vicinity of the wash house.

Read over and confirmed.

Signed T.Dodds Cpl.

8th Witness :

14621876 Dvr Davies, S. R.A.S.C. having been duly sworn states :-

"On the 23rd Feb at 1700 hrs I was the sentry at the large gate at the Stadium. Nothing unusual happened during my tour of duty.

X-examined by accused.

Q.10. Did you during your tour of duty see or allow any native woman to enter the M.T.Pool?

A.10. I did not see nor did I allow any woman to enter the M.T. Pool.

Read over and confirmed.

Signed S.G.Davies.

9th Witness :

.4544272 Dvr Latham, S. R.A.S.C. Having been duly sworn states :-

"I was on guard on 23 Feb from 1900 hrs to 2100 hrs on the main entrance to M.T. Pool. About 2045 hrs I heard a noise inside the Stadium. I investigated but saw nothing but Sgt Chipperton came running up the steps and asked for the Guard Commander. The Guard Commander was absent. Sgt Chipperton then called me into the office but did not say anything to me and I returned to my post. Later I saw the accused come out of the entrance without his coat and his forehead was bleeding. He asked me to accompany him to the dispensary. As I had been relieved at 2100 hrs I went with him. He appeared to be sober. I heard from Dvr Stephens that there had been a woman in the wash house. I did not see a woman. I don't know how the accused was injured, 2

Cross-examined by accused.

Q.11. When you went to the office in the Nissen Hut was the door closed after him or left open?

A.11. I don't know, but I believe it was left open.

Q.12. Did you see any woman leave the M.T.Pool by the main entrance?
A.12. No.

Read over and confirmed.

Signed S.Latham

10th Witness :

4694637 Dvr Parkinson, A. R.A.S.C. having been duly sworn states :-

"I was on guard duty from 1900 to 2100 hrs on 23 Feb 44 at the vehicle entrance of the M.T. Pool. Nothing unusual during my tour of duty. I did not see a woman in the M.T. Pool and I do not know how the accused was injured.

Accused declines to cross-examine this witness.

Read over and confirmed.

Signed A.Parkinson.

11th Witness :

5496160 Dvr Stephens, O.N. R.A.S.C. Having been duly sworn states :-

"I was on guard from 2100 hrs to 2300 hrs on 23 Feb at the main gate. Just after being posted I heard Sgt Chipperton call for the Guard Commander and I went to the wash house door and told Sgt Chipperton that the Guard Commander had gone to the Canteen. Sgt Chipperton was at the top of the steps leading from the office. He called Latham and myself. I stayed at the top of the steps for 4 to 5 minutes and then returned to my post. On passing the wash house door I found an Arab girl standing by the wash house door. I immediately ordered her out and she started crying. I shoved her out and when the Guard Commander came back I reported the fact to him. She was wearing native clothes. I know nothing about the charges against the accused. About 2115 hrs I saw the accused without his coat. He asked Dvr Latham to accompany him to the dispensary. We have no lights at the main entrance. The Arab woman might have got into the wash house when I was standing up the steps.

Cross-examined by accused :

Q.13. Do you know my tent?
A.13. No.

Q.14. While you were standing at the top of the steps would it be possible for a woman to enter the wash house from the M.T. Pool?
A.14. No, because she would have to come up the steps.

Read over and confirmed.

Signed O.Stephens Dvr.

12th Witness :

5385684 Dvr Syrad, E. R.A.S.C. having been duly sworn states :-

" On the 23rd Feb I went on guard at the main gate.

785015

"I was on guard from 2100 hrs to 2300 hrs on 23 Feb at the main gate. Just after being posted I heard Sgt Chipperton call for the Guard Commander and I went to the wash house door and told Sgt Chipperton that the Guard Commander had gone to the Canteen. Sgt Chipperton was at the top of the steps leading from the office. He called Latham and myself. I stayed at the top of the steps for 4 to 5 minutes and then returned to my post. On passing the wash house door I found an Arab girl standing by the wash house door. I immediately ordered her out and she started crying. I shoved her out and when the Guard Commander came back I reported the fact to him. She was wearing native clothes. I know nothing about the charges against the accused. About 2115 hrs I saw the accused without his coat. He asked Dvr Latham to accompany him to the dispensary. We have no lights at the main entrance. The Arab woman might have got into the wash house when I was standing up the steps.

Cross-examined by accused :

Q.13. Do you know my tent?
A.13. No.

Q.14. While you were standing at the top of the steps would it be possible for a woman to enter the wash house from the M.T. Pool?
A.14. No, because she would have to come up the steps.

Read over and confirmed.

Signed O. Stephens Dvr.

12th Witness :

5385684 Dvr Syrad, E. R.A.S.C. having been duly sworn states :-

" On the 23rd Feb I went on Guard at the vehicle entrance to the M.T. Pool at approximately 2050 hrs. During my tour of duty nothing unorthodox happened, but at 2130 hrs the Guard Commander visited me and asked me if any unauthorized person had come through the gate between 2100 and 2130 hrs. I told him there had been no unauthorized person admitted. I did not see a woman in the M.T. Pool. I did not see the accused the accused that night. When I came off duty at 2300 hrs I gathered from some of the Guard that there had been a woman in the wash house. It was a dark night.

Accused declines to cross examine this witness.

Read over and confirmed.

Signed Dvr E. Syrad.

Accused declines to make any statement or to give evidence on oath and ~~does~~ not wish to call witness for his defence.

I certify that the foregoing summary of evidence, consisting of 17 pages was taken down by me in writing in the presence of the accused and Rules of Procedure 4(c) (d) (e) and (f) have been complied with.

25 Feb 1944
In the Field.

Signed F. Craig, Major
3rd Hussars.

MILITARY GOVERNMENT SCHOOL & HOLDING CENTRE..DUTY OFFICER.

As from 1200 hours 6 Dec 43 the orders contained in ACA/1107, dated 8 Sep. 43 are cancelled.

1. A Duty Officer will be detailed for each day. (See bulletin board).
2. His tour of duty will be for 24 hours, and will commence at 0900 hours daily.
3. He will be located in the Camp Commandant's Office in "London."
4. He will report to G-1 Office "Hollywood" - Ext. 28 - by telephone at 1800 hours, daily.
5. He will report to G-1 Office "Hollywood" in person immediately he has handed-over his duties to his successor.
6. On taking-up his tour of duty he will ensure that he takes-over the following:-

- (i) Telephone Directory of M.G.S. & H.C.
- (ii) A list of quarters and messes of the following officers:-

Colonel R.G. Kirkwood.
Colonel R.H. Farrer.
Colonel C.M. Parkin.
Lt.Col. R.H. Robertson.
Major. C.R.H. Allworth.
Major. J.F. Bullock.
Captain. J.P. Watkins.
Captain. G. Parry.
Lieut. W.H. Bissell.
Director of Studies.

- (iii) Freedom (ADHQ) Extension Numbers of Officers of Military Government Section. A.F.H.Q.

- (iv) A copy of these instructions.

- (v) Duty Officers' Log Book. Instructions for keeping this log are posted inside the cover of the book.

- (vi) Mak himself acquainted with the name of the

5. He will report to G-1 Office "Hollywood" in person immediately he has handed-over his duties to his successor.

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Major. J.F. Bullock.
Captain. J.P. Watkins.
Captain. G. Parry.
Lieut. V.H. Bissell.
Director of Studies.

- (iii) Freedom (A.M.Q.) Extension Numbers of Officers of Military Government Section. A.F.H.Q.

- (iv) A copy of these instructions.

- (v) Duty Officers' Log Book. Instructions for keeping this log are posted inside the cover of the book.

- (vi) Make himself acquainted with the name of the duty clerk at "Hollywood."

7. (a). If the Duty Officer receives a message or call from Mil. Govt. Sec., which he does not understand he will immediately carry out any instructions received or if in doubt will personally inform one of the u/m officers, in the order shown, and take his instructions:

Major Bullock.	P.A. to Col. Kirkwood.
Major. Allworth.	Supply.
Captain. Watkins.	Personnel.

(b) If he receives an ordinary message or telephone call, he will be guided by the type of message as to what officer to call, if any, or whether the matter can be left till the following morning.

(c) If he has occasion to leave "London" in the course of duty he will warn duty clerk - Telephone Ext. No. 29.

785015

PERMANENT ORDERS FOR HOLDING CENTRE.

1. Any new arrival will report to H.Q. Coy. (British) at Central immediately, with any documents that he may have.
2. Personnel will be properly dressed at ALL times.
3. The area will be kept scrupulously clean at all times.
4. Fires of any kind are strictly forbidden in the area; including tents.
5. Latrine buckets and hurricane lamps will be placed in position at dusk only and removed at Reveille. These will not be used in the day time.
6. Each man will make up his bed in the uniform manner and be responsible for his own billet area.
7. Each man will read Company Detail every night; No excuse will be taken if this is not carried out.

20th November, 1943.

HRS/

[Signature]
 (Lieut. L.A. Wraight).
 O.C. H.Q. Coy. British.

PERMANENT ORDERS FOR BILLET ORDERLY.

1. His duties will last from Reveille to Reveille.
2. He will be responsible for the general cleanliness of the Holding Area.
3. He will see that all bed cots are straightened and uniform ready for inspection at 1030 hours.
4. He will carry out the role of policeman for the area during his tour of duty; and allow no Arabs in the vicinity.
5. He will not be taken for any other purpose during his tour of duty, except by order of Lieut. Wraight or the Company Commander when a relief will be found.
6. His name will appear in the Company Detail of the previous evening.
7. He will not leave the post for meals etc., unless properly relieved.
8. He will see that refuse bins provided are emptied at least twice per day

20th November, 1943.
NRS/

(Lieut. L.A. Wraight).
O.C. H.Q. Coy. British.

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In the field.
20th November, 1943.
NRS/

(Lieut. L.A. Wraight.)
O.C. H.Q. Coy. British.

-----Capt.

6425

NOTES FOR GUIDANCE IN COURTS OF INQUIRY

(Issued by HQ North Africa District for use in the District)

These notes are issued down to all L of C Units.

Unit Commanders will ensure that all Presidents of Courts of Inquiry have a copy of these notes in their possession before and during the proceedings.

All officers having to express opinions will have a copy of these notes at hand for reference.

1. The correct procedure for dealing with Courts of Inquiry is not always followed, resulting in loss of time, particularly in completing disciplinary and write off action.

2. Summary of Main References

(a) General Procedure AR 1940 paras 764 to 774. A1 Section 72, and Ref 124, 125 and 125A.

(b) General Procedure LORC para 59 (modified by certain GRCs)

(c) Procedure in the case of fires. GRC 103 of 1943.

(d) Procedure in case of Explosives. GRC 613 of 1943.

(e) Write off powers of Commanders. GRC 719 of 1943.

(f) Accidents and injuries. Unit Guide to Documentation, Sec 7
GRC 37/44 Part III
GRC 43/44 para 2(d)

3. Following AFHQ procedure. Courts of Inquiry are now dealt with in this HQ as follows:-

"A" Branch

Disciplinary cases, Loss of Cash, Loss of Arms, Fatal
Bathing Accidents.

"B" Branch

Loss of Stores and Equipment.

In the case of the latter, there is often a disciplinary aspect which may require reference to "A".

- (a) General Procedure AR 1940 para 764 to 774. AR Section 72, and MAP 124, 125 and 125A.
- (b) General Procedure LCOO para 59 (modified by certain GRCs)
- (c) Procedure in the case of fires. GRC 199 of 1943.
- (d) Procedure in case of Explosives. GRC 618 of 1943.
- (e) Write off powers of Commanders. GRC 719 of 1943.
- (f) Accidents and injuries. Unit Guide to Documentation, Sec 7 GRC 37/46 Part III GRC 40/44 para 2(d)

3. Following AFHQ procedure, Courts of Inquiry are not dealt with in this HQ as follows:-

"A" Branch

Disciplinary cases, Loss of Cash, Loss of Arms, Fatal
Bathing Accidents.

"Q" Branch

Loss of Stores and Equipment.

In the case of the latter, there is often a disciplinary aspect which may require reference to "A".

As far as practicable lower formations should adopt a similar division of responsibility for handling Courts.

4. A Court of Inquiry MUST be convened in the following cases :-

- (a) Accidents resulting in death.
- (b) Injuries - as required by Unit Guide to Documentation Sec 7 para 2(c) and GRC 40/44.
- (c) Fires or explosions resulting in injury or damage to property or equipment.
- (d) Loss of arms or equipment in cases where a Court is necessary to establish the cause of loss - and in all cases of loss of revolvers.
- (e) Absence without leave - after 21 days - see HADRO 2 of 1944.

- 2 -

(f) When loss of or damage to property exceeds \$50,
(AR 1540 para 789 (a)).

(g) When ordered by higher authority.

In addition Courts will be assembled where the facts of a case are in doubt and in the opinion of the convening officer the matter can best be investigated by that means.

5. Constitution of Court

(a) Para 764 of AR 1540 refers.

A Court may be composed of two or more members of which one will be an officer and the others may be NCOs or EOCs.

In practice EOCs and NCOs will only be appointed as members where the shortage of available officers makes it unavoidable.

(b) If the proceedings of the Court are likely to have serious or far-reaching repercussions - a Unit Commander should NOT attempt to convene a Court but should refer to higher authority for a Court composed of Officers other than in the unit concerned to be assembled.

(c) Where the matter being investigated by the Court affects the character and honour of an officer, the President should be a Senior Officer (not below Field rank) and the members, as far as possible, senior in rank to the officer concerned.

6. Convening of Court

The convening order will state :-

- (a) Date, time and place of Court.
- (b) Name, rank, number and unit of President and members.
- (c) Terms of reference.
- (d) Instructions to witnesses.

The terms of reference require careful wording to ensure that the Court is in no doubt as to the whole matter to be investigated. This needs particular stressing as it has been found in practice that so many Courts have proved ineffective owing to their terms of reference not having been defined sufficiently clearly. An example of well prepared terms of reference is as follows:-

"For the purpose of inquiring into and reporting on the circumstances of the loss of PFI funds believed to have taken place

in practice WOs and HCOs will only be appointed as members where the shortage of available officers makes it unavoidable.

(b) If the proceedings of the Court are likely to have serious or far-reaching repercussions - a Unit Commander should NOT attempt to convene a Court but should refer to higher authority for a Court composed of officers other than in the unit concerned to be assembled.

(c) Where the matter being investigated by the Court affects the character and honour of an officer, the President should be a Senior Officer (not below field rank) and the members, as far as possible, senior in rank to the officer concerned.

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The terms of reference require careful wording to ensure that the Court is in no doubt as to the whole matter to be investigated. This needs particular stressing as it has been found in practice that so many Courts have proved ineffective owing to their terms of reference not having been defined sufficiently clearly. An example of well prepared terms of reference is as follows:-

"for the purpose of inquiring into and reporting on the circumstances of the loss of PFI Funds believed to have taken place during Sep and Oct 1943, and reporting on

- (a) the method of administration of the Fund
- (b) the method of safeguarding cash held
- (c) the system in force for the paying of bills and the banking of cash."

7. Evidence (Notes for Presidents)

- (a) On oath.

only (1) Cases of illegal absence under Sec 72A (the notes below do not apply to such courts).

(11) If the Convening Officer so directs.

6/2

(b) Examination of witnesses

- (i) Do not record a verbatim statement of the witness's evidence. Hear his whole statement and extract further evidence by questioning - precise the words and write down.
- (ii) Do not record individual questions and answers except in the case of vitally important questions and answers which go to the root of the matter under inquiry.
- (iii) Be inquisitive - ask searching questions - if the Court feels that a witness is not telling what he knows, it must continue examining him - recalling him as often as further facts become available of which it considers he must be able to speak.
- (iv) The witness's statement must be read out to him and he must understand what he has said and agree to the record before signing it.

(c) Relevant Evidence.

- (i) Confine the statement of evidence that is finally recorded to what is relevant to the terms of reference. But bring out all relevant facts.
- (ii) The degree of negligence has to be decided by superior officers - who will very often be unacquainted with local conditions. The evidence recorded must bring out the facts relating to local conditions or it may be found simpler for the Court in its opinion to include an agreed statement containing useful local information.
- (iii) Acts are often found not to be so negligent as they at first appeared, if the full circumstances are brought to light. Viz - no look up accommodation available and could not be provided though asked for, heavy guard duties at night involving loss of sleep etc. Particulars of such extenuating circumstances must be brought out.
- (iv) Orders on a particular subject are relevant evidence. The Court must investigate fully what were the existing orders. These should be produced in evidence and if unit etc orders exist, copies should be attached to the proceedings. Such orders might be bathing orders, fire orders, orders re safeguarding weapons etc.

(iv) The witness's statement must be read out to him and he must understand what he has said and agree to the record before signing it.

(c) Relevant Evidence.

(i) Confine the statement of evidence that is finally recorded to what is relevant to the terms of reference. Do bring out all relevant facts.

(ii) The degree of negligence has to be decided by superior officers - who will very often be unacquainted with local conditions. The evidence recorder must bring out the facts relating to local conditions or it may be found simpler for the Court in its opinion to include an agreed statement containing useful local information.

(iii) Acts are often found not to be so negligent as they at first appeared, if the full circumstances are brought to light. Viz - no lock up accommodation available and could not be provided though asked for, heavy guard duties at night involving loss of sleep etc. Particulars of such extenuating circumstances must be brought out.

(iv) Orders on a particular subject are relevant evidence. The Court must investigate fully what were the existing orders. These should be produced in evidence and if unit etc orders exist, copies should be attached to the proceedings. Such orders might be bathing orders, fire orders, orders re safeguarding weapons etc.

Investigate whether these orders were properly posted and could reasonably be known to persons concerned.

(v) Sig reports

Where sig have been called in - any report issued by them is relevant evidence and will be attached to the proceedings.

(d) Setting out of Evidence

(1) Where a witness is recalled - try to add any further evidence on the same sheet or place as the original evidence was recorded, otherwise make a cross reference at the end of piece of recorded evidence.

(11) A Court if it visits the scene of the incident will record its conclusions and any explanations that may be of value (height of wire - accessibility of tents etc.) Courts should always view the locus where possible.

(11a) A sketch showing layout is often of great value.

(iv) Rep 124 and 125

Rep 124 and 125 must be carefully observed. Any officer and OR whose character of military reputation may be affected by the proceedings must be given full opportunity to be present during the proceedings and to question witnesses. When any officers or ORs are so present the fact will be recorded.

8. Opinions (or Findings)

(a)

(a) Opinions should be divided into three parts.

(1) A brief summary of the facts and circumstances to include a statement as to the cause of the loss or damage and details of extenuating circumstances. Where applicable it will be stated whether an individual was on duty or not.

(1a) A statement as to whether persons involved are to blame (or are negligent) or not. Where individuals are held to blame or to be negligent, the degree of blame or negligence should be stated, e.g. "negligence but not amounting to gross negligence" - "gross negligence" - "carelessness".

(1a) Direction (only by Superior Authorities, see 3 below) or recommendation as to disposal, e.g. write off action and disciplinary action.

(b) In some Courts special forms of findings are required as laid down in GOCs 123 and GAs of 1243.

(c) An opinion will be expressed in all cases, except where death or injury are involved - or whenever the Court is specifically instructed not to record an opinion by the convening officer.

Note. In cases of injury or death the CO will state whether he considers the injured person was on duty and whether he was to blame.

(d) The CO should where relevant add a statement as to the

6. Opinions (or Findings)

(a)

(a) Opinions should be divided into three parts.

(1) A brief summary of the facts and circumstances to include a statement as to the cause of the loss or damage and details of extenuating circumstances. Where applicable it will be stated whether an individual was on duty or not.

(ii) A statement as to whether persons involved are to blame (or are negligent) or not. Where individuals are held to blame or to be negligent, the degree of blame or negligence should be stated, e.g. "Negligence but not amounting to gross negligence" - "gross negligence" - "negligence".

(iii) Direction (only by Superior Authority, see 3 below) or recommendation as to disposal, e.g. write off action and disciplinary action.

(b) In some Courts special forms of findings are required as laid down in GPOs 139 and 615 of 1943.

(c) An opinion will be expressed in all cases, except where death or injury are involved - or whenever the Court is specifically instructed not to record an opinion by the convening officer.

Note. In cases of injury or death the CO will state whether he considers the injured person was on duty and whether he was to blame.

(d) The CO should where relevant add a statement as to the local conditions prevailing at the time.

(e) If the Convening or Superior Officer is not satisfied that all relevant evidence has been brought out - he should reassess the court laying down headings under further information is required.

7. Opinions of Higher Authority

(The provisions below are for guidance only and must NOT be considered hard and fast rules).

(a) Formation Commander will make a direction in his opinion recorded in the proceedings as to any disciplinary or write off action to be taken where the "write off" is within his financial powers and where he does not require the guidance of Higher Authority. Proceedings in those cases will be disposed of by the Formation concerned and not forwarded to higher HQ.

6.2

(c) Proceedings relating to the loss of pistols will always be forwarded through the usual channels to the North Africa District Agent in London.

[illegible][illegible]

(a) compensation from ordinary pay may be awarded normally in accordance with the provisions of section 180(a) and (4) of the 1974 Act (supra) (2) the Board may award a lump sum award or by an authority having the full powers under section 180(a) of the 1974 Act the right to elect trial by court martial if he is not below the rank of Major General, remains entitled to full ordinary pay may, for as long as reasonably practicable, be continued (b) normal (c) normal (d) normal or Articles 9 of the Royal Warrant for pay.

(ii) Voluntary Payment. If any loss or damage to public or regimental property appears to have been occasioned by an act of negligence on the part of an officer which is not considered to be such as to warrant his trial by Court Martial or summary under Section 47, the Commander having power to write off the sum involved either with or without the concurrence of the Financial Adviser should invite the officer concerned to pay voluntarily such a sum as seems just not exceeding the amount of the loss. If the officer agrees to pay the sum the Commander will complete AF 2023 and dispose of the matter (see para 11 below). If the officer refuses the invitation he will be asked to state his reasons in writing for submission to the Army Council. The matter will then be referred through the normal channels to the Army Council.

Legal instructions may be omitted entirely under Sections 47 and 187(3) and (4) AA (subject to the right to elect trial) as by Court Martial.

partial deduction from ordinary jury may be awarded summarily in accordance with the provision of section 158(3) and (4) as respects to the right to elect trial) or by Court Martial.

Overall observations from primary and secondary sources:
by a 1933 census of 150 and 150 (4) in 48 villages;

(a) RE:

PA COME MEXICO

PA AND 120(2) AND

REPLY QUOTATION

(b) REPLY QUOTATION

785015

(1) up to \$4 (up to \$10 in the case of losses by neglect of kit etc.) under section 46 AA (subject to the right to elect trial).

(11) deductions over \$4 (except as in 4(a) above) may only be awarded with the prior approval of superior military authority (not below the rank of Colonel) (subject to the right to elect trial).

Total deductions can of course also be awarded by Court Martial.

11. LOSSES - WRITING OFF:

The procedure for dealing with the write off of losses is set out in detail in CMO 719 of 1943.

The main points to be noted are that in units not required to keep store accounts authority for writing off is required:-

(1) where the loss is due to fraud, suspected fraud, gross carelessness, theft or arson whether proved or suspected.

(11) in the case of losses falling under Table 11 (a) of AO 56 of 1942 where an individual or individuals is held responsible for a loss and agrees or is ordered to contribute towards the amount of the loss ^{AND} where it is proposed that some or all of the loss be borne by the public.

set out in detail in the 719 of 1943.

The main points to be noted are that in units not required to keep more accounts authority for writing off is required:-

- (i) Where the loss is due to fraud, suspected fraud, gross carelessness, theft or arson whether proved or suspected.
- (ii) In the case of losses falling under Table 11 (a) of AG 86 of 1942 where an individual or individuals is held responsible for a loss and agrees or is ordered to contribute towards the amount of the loss ^{AND} where it is proposed that some or all of the loss be borne by the public.

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