

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

ACC

10000/100/455

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

785015

0/100/455

FIELD GENERAL COURT MARTIAL,
GD SMN SWIFT
SEPT. 1943

224

HEADQUARTERS
MILITARY GOVERNMENT SCHOOL
APO 512

File

19 September 1943

Subject: Field General Court Martial.

1. A Court Martial has been convened by orders of Brigadier H. S. Pinder, C.B.E., M.C. for the purpose of trying 2737599 Guardsman Swift. P. and any other persons brought before the court.

To be held in British Headquarter Company Office M.G.S. at 0900 hours on Tuesday 21 September 1943.

2. The following officers are appointed as Members of the Court:-

President: Major N. Douglas-Stephenson. M.C.
Loyal Regiment.

Members : T/Captain E. G. Tweedle. Cheshire Regiment.
: T/Captain E. G. R. Oates. Royal Welch Fusiliers.

Waiting
Member. : Captain R. M. Ponder. Lincolnshire Regiment.

The following officer is appointed as prosecutor:-

Lieut. L. P. Coling. R.A.

The following officer is appointed as defending officer:-

Major. R. G. S. Alexander. K.O.S.B.

3. A senior serjeant will be detailed by O.C. "HQ" Coy. as court orderly.

4. O.C. "HQ" Coy will arrange for the British Headquarter Coy Office to be ready for the F.G.C.M. and also for the necessary stationery for use of the court. Accommodation outside the Court Room will be required for the witnesses. A Military Policeman will be detailed to maintain quiet outside in the vicinity of the Court.

982

Lawrence E. Kearin -
LAWRENCE E. KEARIN,
1st Lt., Infantry,
Adjutant.

Subject : - E.G.C.M. - Guardsman Swift P.

ABC/EGCM/1.

Lieut. I.P. Coling,
Prosecuting Officer.

1. The following is the charge against the accused above mentioned.

CHARGE.

Section 41
Army Act.

WHEN ON ACTIVE SERVICE COMMITTING A CIVIL OFFENCE,
THAT IS TO SAY, STEALING
IN THAT HE

in the Field on 7 Sep. 43 stole a package of tobacco
and a torch, the property of Colonel J.K. Weber,
United States Army.

2. Please acknowledge.

Field,

19 Sep. 43.

JMA

Lt.-Col. D.B. Aitken,
Assistant Commandant.

CONFIDENTIAL

SUBJECT :- P.G.C.M.

Assistant Commandant,
Military Government School & Holding Centre

2737599 Gdsnn SWIFT P

1. Original and one copy of the Summary of Evidence are returned herewith, one copy having been retained for the use of the Convening Officer.
2. The trial will be held Tuesday 21 Sep at a time to be fixed by you.
3. The President, Major M. Douglas-Stephenson, MC. Loyal Regt, will report to you on Monday 20 Sep, and will bring the Convening Order.
4. A Captain and a Lieutenant will be detailed by you as members of the Court.
5. Prosecuting and Defending Officers will be detailed by you.
6. A Senior NCO will be detailed by you to act as Court Orderly.
7. MML, KRs, 'Green Book' and necessary stationery will be provided by you for the use of the Court.
8. The charge will be exactly as stated in Algiers Area Legal Staff minute JAC/AA/1040 dated 14 Sep 43.

CHF

Copy to:- Major M. Douglas-Stephenson MC

J.B. Thompson Lt Col,
for AA & JMG,
ALGIERS AREA

980

FOR SPECIAL ORDERS PLEASE.

Subject: Field General Court Martial.

1. A Court Martial has been convened by orders of Brigadier H.S. Pinder, C.B.E., M.C. for the purpose of trying
2737599 Guordamen Swift, P.
and any other persons brought before the court.

To be held in British Headquarter Company Office M.G.S. at
0900 hours on Tuesday 21 Sept 43.

2. The following officers are appointed as Members of the Court:-

President: Major H. Douglas-Stephenson, M.C.
Loyal Regiment.

Members : T/Captain E.G. Tweedle. Cheshire Regiment.
: T/Captain E.G.P. Oates. Royal Welch Fusiliers.

Waiting
Member. : Captain R.M. Ponder. Lincolnshire Regiment.

The following officer is appointed as prosecutor:-

Lieut. L.P. Coling. R.A.

The following officer is appointed as defending officer:-

Major. R.G.S. Alexander. K.O.S.B.

3. A senior serjeant will be detailed by O.C. "H" Coy. as court orderly.
4. O.C. "H" Coy will arrange for the British Headquarter Coy Office to be ready for the F.G.C.M. and also for the necessary stationery for use of the Court. Accommodation outside the Court Room will be required for the witnesses. A Military Policeman will be detailed to maintain quiet outside in the vicinity of the Court.

Field.

18 Sep 43.

J.S.H.
Lt.-Col D. B. Aitken 979
Assistant Commandant.

Subject : - Trial by R.C.C.M. of 2737599 Guardsman Swift P.

ASG/ADJ/1.

Lieut. L.P. Coling,
Prosecuting Officer.

You are hereby detailed to attend as Prosecuting Officer the Court Martial Proceedings to be held at British Headquarters Company Office (Central) at 0900 hrs on Tuesday 21 Sep. 43.

You are not permitted to leave the post during the 24 hours proceeding the trial.

The attached acknowledgement should be signed and returned to this office.

Please report to Asst. Commandant as soon as possible for further instructions

Mild,
8 Sep. 43.
T.

JDA

Lt.-Col. D.B. Aitken,
Assistant Commandant.

I certify I have been warned to attend as Prosecuting Officer at the trial of 2737599 Guardsman Swift P. at 0900 hrs on Tuesday 21 Sep. 43 to be held at British Headquarters Company Office (Central).

Date.....

Signed.....

Subject:- Members of Court Martial.

ASC/PGM/1

Captain R.M. Ponder
Lincolnshire Regt.

Please note you are hereby detailed as a waiting member of a court martial to be held on Tuesday 21 Sep 43 at 0900 hours at the Headquarters British Company Office (Central).

Field.

17 Sep 43.

ISA
Lt.-Col D. B. Aitken,
Assistant Commandant.

ACKNOWLEDGES.

SUBJECT:- Members of Court Martial.

Assistant Commandant.

Your memo ASC/PGM/1 dated 17 Sep 43 received and acknowledged herewith please.

Field.

17 Sep 43.

Signed _____

Captain R.M. Ponder.

Subject:- Trial by F.G.C.M. of 2737599 Guardsman Swift.P.

ASC/FGCM/1

R.S.M. J.D.Young.

You are hereby detailed to attend as a witness the court martial proceedings to be held at British Headquarters Company Office (Central) at 0900 hours on Tuesday 21 Sep 43.

You are not permitted to leave the post during the 24 hours preceeding the trial.

The attached acknowledgement should be signed and returned to this office.

Field.

17 Sep 43.

ASA

Lt.-Col D. B. Aitken,
Assistant Commandant.

I certify I have been warned to attend as a witness at the trial of 2737599 Guardsman Swift.P. at 0900 hours on Tuesday 21 Sep 43 to be held at British Headquarter Company Office (Central).

Date.....

Signed.....

976

Pt Brown

Temporary file

"FGCM"

Guardman SWIFT

Have you the copy of
covering letter
forwarding the
Summary of Evidence?

JDA

CONFIDENTIAL.

JAG/AA/1010.

Commander
Algiers Area.

2737599, Gdsm P. SWIFT,
Welsh Guards., Att:
Military Government School
and Holding Centre.

I enclose the papers today received in this case from the Assistant Commandant, Military Government School and Holding Centre under reference BGEH/12 dated 11 September 1943.

1. In my opinion the evidence justifies the accused being brought to trial by Field General Court Martial on the following charge:

Charge
Section 41
Army Act.

WHEN ON ACTIVE SERVICE COMMITTING A
CIVIL OFFENCE, THAT IS TO SAY, SPEAKING

in that he

in the field on 7 September 1943 stole a package of tobacco and a torch, the property of Colonel J.K. Weber, United States Army.

2. The evidence as contained in the summary is quite in order.

3. In presenting this case the prosecutor should bear in mind the doctrine of recent possession. Vide paragraph 66 on page 124 of the Manual of Military Law, 1929.

4. I think that this is a case where the permanent president should be appointed to preside over the court.

5. An officer of this department will be detailed to prosecute if you so desire but it is probable that there are at the School a number of officers who are fully competent to conduct the case for the prosecution.

6. I understand that the Assistant Commandant has already spoken to your D.A.A.G. in the matter and pointed out, as Colonel Weber may be leaving this Area in the near future it is essential that any trial which may be ordered shall take place as soon as possible. The Assistant Commandant states that he is prepared to visit Algiers in order to sign the charge sheet. This is of course not necessary and the charge may properly be inserted in column 2 on page 2 of the Army

/Form...

-2-

Form A.3., no formal Charge sheet being required.

R. W. M. C.

FIELD.
14 September 1943
RWM/NEC.

Major.
Legal Staff.
ALGERIA AREA.

Copies to:-

Commandant, Military Government School and
Holding Centre.

~~C-4/5 J. R. C. to Branch, H. C. C.~~

HEADQUARTERS
MILITARY GOVERNMENT SCHOOL
APO 512

File
19 September 1943

Subject: Field General Court Martial.

1. A Court Martial has been convened by orders of Brigadier H. S. Pindor, C.B.E., M.C. for the purpose of trying 2737599 Guardsman Swift. P. and any other persons brought before the court.

To be held in British Headquarter Company Office M.G.S. at 0900 hours on Tuesday 21 September 1943.

2. The following officers are appointed as Members of the Court:-

President: Major N. Douglas-Stephenson. M.C.
Loyal Regiment.

Members : T/Captain E. G. Tweedle. Cheshire Regiment.
: T/Captain E. G. R. Oates. Royal Welch Fusiliers.

Waiting
Member. : Captain R. M. Ponder. Lincolnshire Regiment.

The following officer is appointed as prosecutor:-

Lieut. L. P. Coling. R.A.

The following officer is appointed as defending officer:-

Major. R. G. S. Alexander. K.O.S.B.

3. A senior serjeant will be detailed by O.C. "HQ" Coy. as court orderly.
4. O.C. "HQ" Coy will arrange for the British Headquarter Coy Office to be ready for the F.G.C.M. and also for the necessary stationery for use of the court. Accommodation outside the Court Room will be required for the witnesses. A Military Policeman will be detailed to maintain quiet outside in the vicinity of the Court.

Lawrence E. Keirin -
LAWRENCE E. KEARIN,
1st Lt., Infantry,
Adjutant.

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

I certify I have been warned to attend as Defending Officer at the trial of 2737599 Guardsman Swift, P. at 0900 hours on Tuesday 21 Sep 43 to be held at British Headquarter Company Office (Central).

Date. 18-9-43

Signed.....

R. G. S. Alexander
Mai

972

SUBJECT:- Meml s of Court Martial.

Assistant Commandant.

Your memo ASC/FGCM/1 dated 17 Sep 43 received and acknowledged herewith please.

Field.

17 Sep 43.

Signed *R.M. Ponder*

Captain R.M. Ponder.

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

I certify I have been warned to attend as a witness at the trial of
2737599 Guardsman Swift.P. at 0900 hours on Tuesday 21 Sep 43 to be held
at British Headquarter Company Office (Central).

Date..17/9/43.

Signed.....*L Bone*.....

970

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

I certify I have been warned to attend as Prosecuting Officer at the
trial of 2737599 Guardsman Swift P. at 0900 hrs on Tuesday 21 Sep. 43
to be held at British Headquarters Company Office (Central).

Date. 18 September 1943

Signed. J. B. [Signature] [Signature] RA

969

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

SUBJECT:→ Memo of Court Martial.

Assistant Commandant.

Your memo ASC/FGCM/1 dated 17 Sep 43 received and acknowledged
herewith please.

Field.

17 Sep 43.

Signed W.G.R. Oates

Captain W.G.R. Oates.

968

ASSISTANT COMMANDANT.

KNOWLEDGE.

Subject:- Members of Court Martial.

Assistant Commandant.

Your memo ASC/FGCM/1 dated 17 Sep 43 received and acknowledged
herewith please.

Field.

17 Sep 43.

Signed

Captain E. G. Tweedle.

967

HEADQUARTERS
MILITARY GOVERNMENT SCHOOL
APO 512

19 September 1943

Subject: Field General Court Martial.

1. A Court Martial has been convened by orders of Brigadier H. S. Pinder, C.B.E., M.C. for the purpose of trying 2737599 Guardsman Swift. P. and any other persons brought before the court.

To be held in British Headquarter Company Office M.G.S. at 0900 hours on Tuesday 21 September 1943.

2. The following officers are appointed as Members of the Court:-

President: Major N. Douglas-Stephenson. M.C.
Loyal Regiment.

Members : T/Captain E. G. Tweedle. Cheshire Regiment.
: T/Captain E. G. R. Oates. Royal Welch Fusiliers.

Waiting
Member. : Captain R. M. Ponder. Lincolnshire Regiment.

The following officer is appointed as prosecutor:-

Lieut. L. P. Coling. R.A.

The following officer is appointed as defending officer:-

Major. R. G. S. Alexander. K.O.S.B.

3. A senior serjeant will be detailed by O.C. "HQ" Coy. as court orderly.

4. O.C. "HQ" Coy will arrange for the British Headquarter Coy Office to be ready for the F.G.C.M. and also for the necessary stationery for use of the court. Accommodation outside the Court Room will be required for the witnesses. A Military Policeman will be detailed to maintain quiet outside in the vicinity of the Court. 966

Lawrence E. Kearin
LAWRENCE E. KEARIN,
1st Lt., Infantry,
Adjutant.

FOR SPECIAL ORDERS PLEASE.

Subject: Field General Court Martial.

1. A Court Martial has been convened by orders of Brigadier H.S. Pinder, C.B.E., M.C. for the purpose of trying 2737599 Guardsman Swift.P. and any other persons brought before the court.

To be held in British Headquarter Company Office M.G.S. at 0900 hours on Tuesday 24 Sept 43.

2. The following officers are appointed as Members of the Court:-

President: Major H. Douglas-Stephenson. M.C.
Loyal Regiment.

Members : T/Captain E.G. Tweedle. Cheshire Regiment.
: T/Captain E.G.R. Oates. Royal Welch Fusiliers.

Waiting
Member. : Captain R.M. Ponder. Lincolnshire Regiment.

The following officer is appointed as prosecutor:-

Lieut. L.P. Coling. R.A.

The following officer is appointed as defending officer:-

Major. R.G.S. Alexander. K.O.S.B.

3. A senior serjeant will be detailed by O.C. "HQ" Coy. as court orderly.

4. O.C. "HQ" Coy will arrange for the British Headquarter Coy Office to be ready for the F.G.C.M. and also for the necessary stationery for use of the Court. Accommodation outside the Court Room will be required for the witnesses. A Military Policeman will be detailed to maintain quiet outside in the vicinity of the Court.

Field.

18 Sep 43.

D.B. Aitken
Lt.-Col D. B. Aitken,
Assistant Commandant.

Subject : - F.G.C.M. - Guardsman Swift P.

ASG/FGCM/1.

Lieut. L.P. Collins,
Prosecuting Officer.

1. The following is the charge against the accused above mentioned.

CHARGE.

Section 41
Army Act.

WHEN ON ACTIVE SERVICE COMMITTING A CIVIL OFFENCE,
THAT IS TO SAY, STEALING
IN THAT HE

in the Field on 7 Sep. 43 stole a package of tobacco
and a torch, the property of Colonel J.K. Scher,
United States Army.

2. Please acknowledge.

Field,

19 Sep. 43.

JD Aitken Col.

Lt.-Col. D.B. Aitken,
Assistant Commandant.

Confidential

Capt. Doyle,
O.C. "H" Coy British,
M.G.B.

ASC/POEM/1

Subject:- P.G.C.M. No. 2737599 Guardian Swift.F.

A.F. B296 is not required in case prisoner is acquitted in open court.

Instead the prosecutor will produce the original 122 to be handed into court and will testify that it belongs to the accused.

He will also give evidence as follows:-

- (a) Prisoners age in years and days.
- (b) Prisoners length of service in years and days.
- (c) Length of time in open and close arrest.

In the Field.

18 Sep 43.

Lt.-Col.D. B. Aitken,
Assistant Commandant.

953

Copy to Lieut. Coling. (Prosecutor)

It is requested he will obtain the above information from O.C. "H" Coy.

Subject:- F.G.C.M. - 2737599 Guardaman Swift.P.

ASC/FGCL/1

Major R.G.S. Alexander,
Kings Own Scottish Borderers.

1. The following is the charge against the accused above mentioned.

Charge

Section 41
Army Act.

WLEN ON ACTIVE SERVICE COMMITTING A CIVIL OFFENCE,
THAT IS TO SAY, STEALING
IN THAT HE

in the field on 7 Sep 43 stole a package of tobacco
and a torch, the property of Colonel J.K. Weber,
United States Army.

2. Please Acknowledge.

Field.

18 Sep 43.

D. B. Aitken

Lt.-Col D. B. Aitken,
Assistant Commandant.

Subject : - Trial by F.G.C.M. of 2737599 Guardsman Swift P.

ASC/PCCM/1.

Lieut. L.P. Coling,
Prosecuting Officer.

You are hereby detailed to attend as Prosecuting Officer the Court Martial Proceedings to be held at British Headquarters Company Office (Central) at 0900 hrs on Tuesday 21 Sep. 43.

You are not permitted to leave the post during the 24 hours preceeding the trial.

The attached acknowledgement should be signed and returned to this office.

Please report to Asst Commandant as soon as possible for further information

Field,
18 Sep. 43.
ST.

D.B. Aitken
Lt.-Col. D.B. Aitken,
Assistant Commandant.

I certify I have been warned to attend as Prosecuting Officer at the trial of 2737599 Guardsman Swift P. at 0900 hrs on Tuesday 21 Sep. 43 to be held at British Headquarters Company Office (Central). 961

Date.....

Signed.....

Subject:- Members of Court Martial.

ASC/PGCM/1

Captain R.M.Ponder
Lincolnshire Regt.

Please note you are hereby detailed as a waiting member of a court martial to be held on Tuesday 21 Sep 43 at 0900 hours at the Headquarters British Company Office (Central).

Field.

17 Sep 43.

DB Aitken 401
Lt.-Col D. B. Aitken,
Assistant Commandant.

ACKNOWLEDGE.

SUBJECT:- Members of Court Martial.

Assistant Commandant.

Your memo ASC/PGCM/1 dated 17 Sep 43 received and acknowledged 960
herewith please.

Field.

17 Sep 43.

Signed _____
Captain R.M.Ponder.

Subject:- Trial by F.G.C.M. of 2737599 Guardsman Swift.P.

ASC/FGCM/1

Major R.G.S. Alexander, K.O.S.B.
Defending Officer.

You are hereby detailed to attend as Defending Officer the Court Martial proceedings to be held at British Headquarters Company Office (Central) at 0900 hours on Tuesday 21 Sep 43.

You are not permitted to leave the post during the 24 hours preceeding the trial.

The attached acknowledgement should be signed and returned to this office.

Field.

17 Sep 43

DB Aitken Hart

Lt.-Col D. B. Aitken,
Assistant Commandant.

959

I certify I have been warned to attend as Defending Officer at the trial of 2737599 Guardsman Swift.P. at 0900 hours on Tuesday 21 Sep 43 to be held at British Headquarter Company Office (Central).

Date.

Signed.....

Subject:- Members of Court Martial.

ASC/FGCM/1

Capt. W. G. R. Oates.

Please note you are hereby detailed as a ~~waiting~~ member of a court martial to be held on Tuesday 21 Sep 43 at 0900 hours at the Headquarters British Company Office (Central).

Field.

17 Sep 43.

ACKNOWLEDGE.

D. B. Aitken

Lt. Col. D. B. Aitken,
Assistant Commandant.

SUBJECT:- Members of Court Martial.

Assistant Commandant.

958

Your memo ASC/FGCM/1 dated 17 Sep 43 received and acknowledged herewith please.

Field.

17 Sep 43.

Signed _____

Captain W. G. R. Oates.

I 498