

785020

ACC

1000012013378

A1376

opened

10000012013378

A1370/A

Court of Inquiry - Damage To Car Hillman Utility
opened Dec 15, 1944. Closed Dec 26, 1944
DEC. 19445893
5421

Personal and Confidential.

Land Forces Sub Comm. A.C.
(M. M. I. A.) ROME
AQ/6/5

26 Dec 1944

My dear

Thanks for your P/30 of 13 December.

As a British Officer (apart from being G.O.C.), I am very sorry that BAXTER let you down so badly.

I entirely agree with your feelings in the matter and I should like to thank you for your reasonable handling of the case.

We have consulted our Legal people here and apparently there would be some legal difficulties in laying a hard and fast case against BAXTER. On the other hand, I entirely support you.

I will therefore see BAXTER personally and tell him exactly what I think of his conduct in no measured terms. I am also applying for BAXTER to be sent back to Regimental duty as soon as possible.

With best wishes for 1945 and my personal thanks to you for all the good work you are doing so efficiently in NAPLES.

Yours,

A. R.
Major General,
M.M.I.A.

Major G. D. SMITH,
Senior MMIA LO,
NAPLES.

5927

Army Form A.2.

N.B. - The Form being applicable to any Board, or Committee, or Court of Inquiry, this blank to be filled in accordingly.

The proceedings should be signed by the President and by each Member of the Board, etc.

Attention is particularly drawn to the Rules for Courts of Inquiry contained in Rules of Procedure 124-125A, and especially to Rule 125A(B); also to paragraph 764, et seq., King's Reg's, 1940

PROCEEDINGS of a Court of Enquiry
 assembled at In the Field
 on the 16th December 1944
 by order of Maj. Gen. L. Browning, C.B., OBE, M.C.
Comd. g. Land Forces Sub-Commission A.C. (M.M.A.)
 for the purpose of Investigating the
Circumstances whereby a W.D.
Vehicle - Hillman Whitley W.D.
4776946 became damaged.

PRESIDENT

Maj. D.S.L. GREGSON, 5th R. Innis, D.G.

MEMBERS

Maj. P.W. SOYS, Pioneer Corps.

IN ATTENDANCE

The Court having assembled pursuant to order,
 proceed to Take Evidence.

1st WITNESS Capt R.J. BAXTER.
R.A.S.C. having been duly sworn
 states:-

On the morning of the 11th December
 1944 at about 0130 hours I was
 driving back to my billet from
 22nd A.A. Brigade Company R.A.S.C.

Army Form A368 (ENG-IT) (Amended)

To be carried by every
driver instead of:-R.N.—Form D354
Army—A.F. A3676
R.A.F.—Form 446

TRAFFIC ACCIDENT SLIP

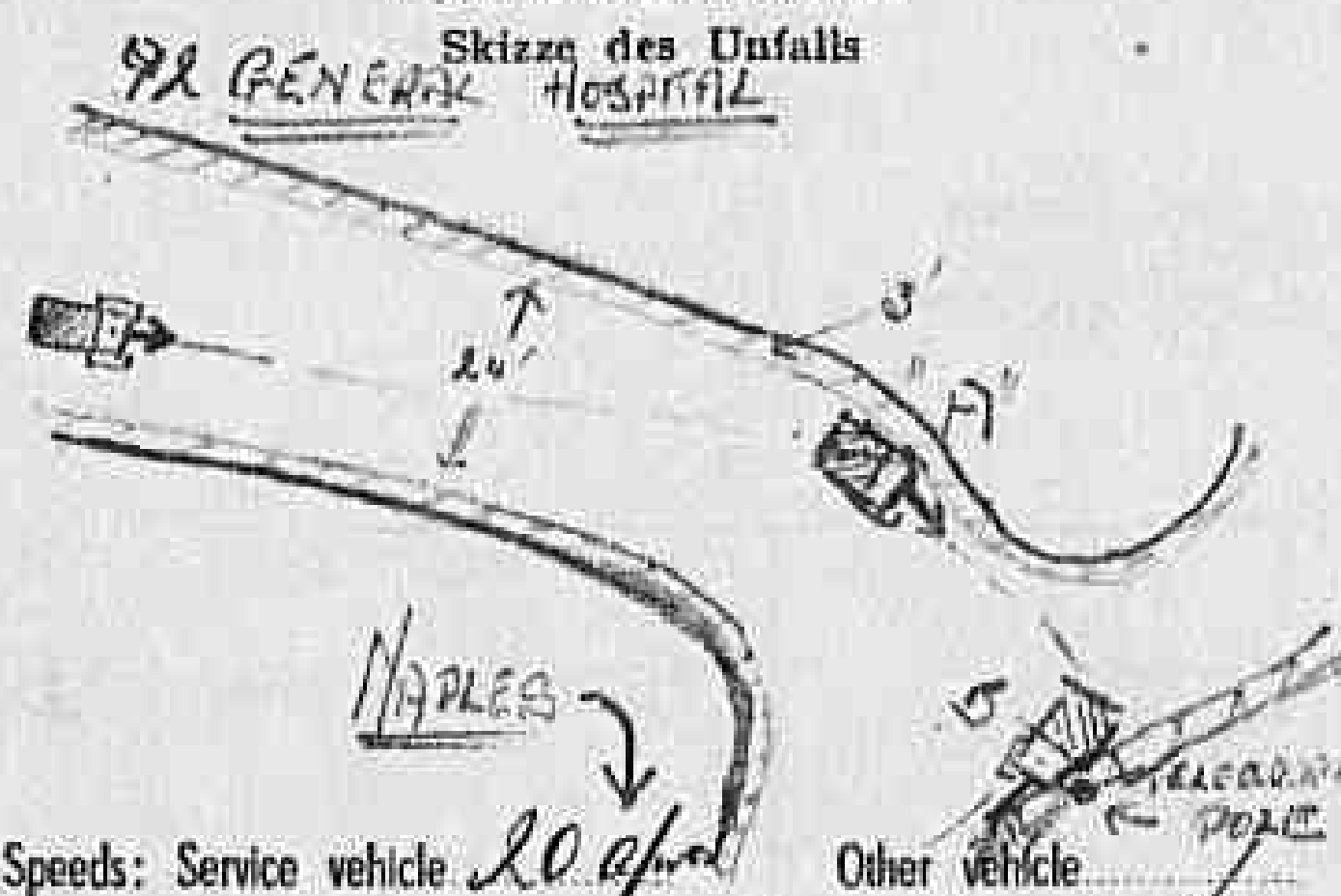
INSTRUCTIONS TO DRIVER

Part A

1. In the event of an accident, tear this Slip along the perforation.
2. Hand this part (Part A) to the civilian involved, or to the police officer, if any, in order that he may fill in the information required overleaf and below and return it to you. Make sure that he does this.
3. Fill in Part B and hand it to the civilian involved or to the police officer.
4. You must not disclose your unit or make a statement to the police or to anyone else.
5. You must not make use of the Accident Slip at the foot of A.F. A3676 (Revised August, 1942) or of R.A.F. Form 446.
6. Report the accident immediately on your return to your unit.

Animals or Property damaged
Animali o Cose danneggiate
Tiere oder Eigentum beschädigt

Sketch of Accident
Schizzo dell' incidente
Skizze des Unfalls



Owner Proprietario Besitzer	Name Nome e cognome Vor- und Zuname	Address Indirizzo Anschrift
Police Officer Agente Polizia Polizist	Name Nome e cognome Vor- und Zuname No. (Nr.)	Address Indirizzo Anschrift

Speeds: Service vehicle 20 mph

Velocità: Veicolo Militare

Geschwindigkeit: Militärisches Fahrzeug

Other vehicle

Altro Veicolo

Anderes Fahrzeug

1. Il conducente del veicolo borghese deve riempire il modulo qui sopra e restituirlo al conducente militare.
2. La consegna di questo tagliando non implica che sarà pagato alcun compenso; se il danneggiato ritiene di aver diritto a compenso, dovrà fornire tutti i particolari dell'incidente alla Polizia e spedire anche una domanda per via di posta, avendo cura di indicare tutti i particolari che appaiono a tergo, al Presidente del British Claims Commission, C.M.F.
3. Se qualcuno è stato ferito: il nome, l'indirizzo, l'età, la professione e le ferite debbono essere specificate. Bisogna anche includere l'indirizzo o il luogo dove il ferito può essere visitato.
4. Se qualche veicolo è stato danneggiato si dovranno dare le seguenti informazioni:
 1. Il nome e l'indirizzo della Compagnia Assicuratrice.
 2. Numero della Polizza d'Assicurazione.
 3. Luogo dove si può ispezionare il veicolo.
1. Der zivile Fahrer oder die im Unfall betreffende Person soll dieses Formular unter Rücksicht dem militärischen Fahrer ausfüllen.
2. Die Uebersendung des Formulars berechtigt keineswegs eine Entschädigung. Wenn der Beschädigte glaubt, er sei zu einer Entschädigung berechtigt, so soll er den auf der Rückseite dieses Formulars befindlichen Fragebogen ausfüllen. Das ausgefüllte Formular soll der Polizei übergeben werden; auch ein schriftliches Ersuchen ist durch Post zu befordern dem Präsident British Claims Commission.
3. Im Falle wo persönlicher Schaden gelitten wird, müssen Name, Alter, Beruf und Beschreibung der Beschädigungen angegeben werden, sowie die Adresse wo der Beschädigte untersucht werden kann.
4. Im Falle wo ein Wagen beschädigt wird, soll die folgende Auskunft gegeben werden:
 1. Name und Adresse der Versicherungs-Gesellschaft.
 2. Nummer des Versicherungsscheins.
 3. Wo der Wagen besichtigt werden kann.

Part A. To be handed to civilian involved (or police officer) to fill in and return to Service driver.

Accident Incidente Unfall	Date Data Datum 11 Dec 44	Time Ora Zeit 0130	Place Luogo Ort Parish of (Comune di) (Bezirk) <i>hepb</i> Provincia di			
Civilian Vehicle Veicolo borghese Ziviler Wagen	Type Art	H.P. C.V. Pferde-stärke	Make Marca Marke	Year Anno Jahr	No. Numero Nr.	Insurance Co. Compagnia d'Assicurazione Versicherungs-Gesellschaft
Civilian Driver Conducente borghese Ziviler Fahrer	Name Nome	Name Nome	Address and Profession Indirizzo e Professione Anschrift und Beruf		Telephone Telefono Fernsprecher	Driving License Patente Führerschein No. Nr. Date Datum
Owner of Vehicle Proprietario del Veicolo Besitzer des Wagens	Name Nome	Name Nome	Address Indirizzo Anschrift		Telephone Telefono Fernsprecher	Profession Professione Beruf
Injured Persons Persone ferite Beschädigte Personen	Names Nomi Namen		Address and Profession Indirizzo e Professione Anschrift und Beruf		Telephone Telefono Fernsprecher	Age Età Alter Sex Sesso Geschlecht Injury Ferita Beschädigung L { Slight Leggero Leicht G { Grave Grave Schwer F { Fatal Mortale Tödlich
Witnesses Testimoni Zeugen	Names Nomi Namen		Address Indirizzo Anschrift		Telephone Telefono Fernsprecher	Profession Professione Beruf
Damage to Vehicle Danno al veicolo Beschädigung des Wagens	Front suspension left side bent - Radiator damaged Hitch and wing bent - Head lamp broken					(See over) (A tergo) (Bitte wenden)

Accident Incidente Unfall	Date Data Datum	Time Ora Zeit	Place Luogo Ort Parish of (Comune di) (Bezirk) Provincia di		
Service Driver Conducente Militare Militärischer Fahrer	Number Nr.	Matricola	Rank Grado Dienstgrad	Name Nome	No. of Service Vehicle Numero del veicolo Militare Nr. des militärischen Fahrzeuge

W/S/1/8

CQ

TRAFFIC ACCIDENT.

Ref: TA/

Date of Accident: Name of Driver:

N.D. Vehicle:

M.M.I.A.,

4776946.

Hillman.

Type: PU 10 hp.

Particulars of Damage.

Front axle bent.	Centre bolt broken.
Track rod "	Bumper bar damaged.
Shock absorber arm bent.	" " brackets bent.
2 L/H wheels unserviceable.	L/H wing lamp u/s.
2 U bolts u/s	Headlamp glass broken.
L/H frt. spring main leaf u/s.	Cutout cover smashed.
L/H frt. wing badly buckled.	Shock absorber mounting twisted
radiator damaged.	Wing centre assembly buckled.
L/H frt. spring rear hanger dngd.	

ESTIMATE OF DAMAGE.

	Y.	S.	d.
Estimate cost of labour: 45 hrs @ 1/4d.	3.	-	-
Plus 100% overhead charges	3.	-	-
Cost of materials	3.	15.	6.

2 L/h wheels.....	2.10.0.
Frt. spring main leaf.	£.15/-.
centre bolt.	1/-.
L/H wing lamp	5/-.
Headlamp glass	1/-
Cut out cover	1/-
2 U bolts.	2/6

Total cost £ 9. 15. 6

Field.

11 / 12/1944.

[Signature]
 Capt. VASC.
 O. i/c Workshops,
 720 General Tpt Coy., RASC.

PROCEEDINGS of a Court of Enquiryassembled at In the Fieldon the 16th December 1944by order of Maj. Gen. L. BROWNING, G.C.B., O.B.E., M.C.Comd Land Forces Sub-Commission A.C. (M.M.I.A.)for the purpose of Investigating the circumstanceswhereby a M.D. vehicle Hillman Utility W.D. 4776346became damaged.PRESIDENTMajor D.S.L. CRIPSON, 5th R. Innis, D.G.MEMBERMajor P.M. STYS, Pioneer CorpsIN ATTENDANCEThe Court having assembled pursuant to order,proceeded to take evidence.1st WITNESS:Capt R.J. HAXTER, R.A.S.C., having been duly sworn states:-

On the morning of the 11th December 1944, at about 0130 hours I was driving back to my billet from 22nd A.A. Brigade Company, R.A.S.C. I was accompanied by Captain A.D. McWHIRTER R.E. "The British Army newspaper Unit C.M.F. At a corner in CAPTIVITY I ran against the curb which caused the front wheel to buckle and looked the steering.

The car became out of control. I applied the brakes and it came to a standstill a few yards further on with the front wing against a telegraph pole. See attached Traffic accident slip, Army Form A. 3681 (Marked A and attached to the proceedings).

The reason I was on the left of the road was because my route was round the very sharp turning to the right and I had made a wide sweep to get round it. At the time of hitting the curb, my speed was about 25 m.p.h. The lights on the car were in perfect working order.

On the evening of 10th December Capt BURCHELL, 22nd A.A. Brigade Company, R.A.S.C., dined in our mess and after dinner I drove him home to 22nd A.A. Bde Coy Mess. I picked up Capt McWHIRTER to give him a lift back to his billet in APLES. I reported the accident by telephone to WTA

1408

Declassified E.O. 12065 Section 3-402/HNDC NO. 785020

PRESIDENT

Major D.S.L. GRIGSON, 5th R. Innis, D.C.

MEMBER

Major P.W. SYSS, Pioneer Corps

IN ATTENDANCE

The Court having assembled pursuant to order,

proceed to take evidence.

1st WITNESS:

Capt R.J. BAXTER, R.A.S.C., having been duly sworn states:-

On the morning of the 11th December 1944, at about 0130 hours I was driving back to my billet from 22nd A.A. Brigade Company, R.A.S.C. I was accompanied by Captain A.D. MOWHINIE R.E. "E" British Army newspaper Unit C.M.F. At a corner in CAPT MOWHINIE I ran against the curb which caused the front wheel to buckle and locked the steering.

The car became out of control, I applied the brakes and it came to a standstill a few yards further on with the front wing against a telegraph pole. See attached Traffic accident slip, Army Form A. 3681 (Marked A and attached to the proceedings).

The reason I was on the left of the road was because my route was round the very sharp turning to the right and I had made a wide sweep to get round it. At the time of hitting the curb, my speed was about 25 m.p.h. The lights on the car were in perfect working order.

On the evening of 10th December Capt BURCHELL, 22nd A.A. Brigade Company, R.A.S.C., dined in our mess and after dinner I drove him home to 22nd A.A. Bde Coy Mess. I picked up Capt MOWHINIE to give him a lift back to his billet in NAPLES. I reported the accident by telephone to MMIA office at approx 0930 hours and personally to see or LO MMIA Naples as soon as possible.

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1st QUESTION: At the time of the accident was Captain McWHINNIE the only passenger?

1st ANSWER: No, Captain McWHINNIE was sitting in the front seat next to me and there was an American Lieutenant sitting in the back of the car, who could not see what happened.

2nd QUESTION: You had no driver with you and were driving yourself?

2nd ANSWER: Yes. The regular driver had been given the day off and there was no substitute available.

3rd QUESTION: What was the state of the road at the time of the accident?

3rd ANSWER: It had been raining earlier in the day but at the time of the accident the surface was fairly dry.

4th QUESTION: What do you consider was the cause of hitting the curb?

4th ANSWER: Taking too wide a sweep to get round the corner coupled with the fact that the steering was loose.

5th QUESTION: Were you sober at the time of the accident?

5th ANSWER: Absolutely.

sgd R.J. BAXTER, Capt RASC.
16 Dec 44

2nd WITNESS:

Documentary. Owing to the time and distance involved Captain McWHINNIE was not called before the Court. A written statement of his evidence is marked B and attached to the proceedings.

The Court consider that no useful purpose would be served by calling the American Lieutenant referred to, as by his position in the back of the truck, he could not see what occurred.

OPINION

The Court having carefully considered the foregoing evidence are of the opinion that:-

(1) That Captain BAXTER was responsible for the damage.

(ii) That the value of the damage to the vehicle was \$3475.00 (nine pounds fifteen shillings and six pence). See certificate from officer i/c workshops 350 General Tpt Coy R.A.S.C. (Marked C and attached to the proceedings.

(iii) That at least some portion of the cost of replacement should

4th QUESTION:

What do you consider was the cause of hitting the curb?

4th ANSWER:

Taking too wide a sweep to get round the corner coupled with the fact that the steering was loose.

5th QUESTION:

Were you sober at the time of the accident?

5th ANSWER:

Absolutely.

sgt R.J. BAXTER, Capt RASC.
16 Dec 44

2nd WITNESS:

Documentary. Owing to the time and distance involved Captain McWHINNIE was not called before the Court. A written statement of his evidence is marked B and attached to the proceedings.

The Court consider that no useful purpose would be served by calling the American Lieutenant referred to, as by his position in the back of the truck, he could not see what occurred.

OPINION

The Court having carefully considered the foregoing evidence are of the opinion that:-

(i) That Captain BAXTER was responsible for the damage.

(ii) That the value of the damage to the vehicle was £347.18.06 (nine pounds fifteen shillings and six pence). See certificate from officer 1/6 workshops 350 General Tpt Coy R.A.S.C. (Marked C and attached to the proceedings.

(iii) That at least some portion of the cost of replacement should be borne by Capt BAXTER.

PRESIDENT:

D.S.L. GREGSON, Major,
5th R. Innis, I.G.

MEMBER:

P.W. GUNTS, Major,
Pioneer Corps.

- 3 -

I concur with findings (i) and (ii) of the Court. Under the circumstances I am not prepared to take disciplinary action against Captain Baxter. The cost of repair should be borne by the public.

26 Dec 44.

L. Brown

Maj. Gen.
M.M.I.A.

5915

C O P Y

APPENDICES "A"

Subject: Accident

Statement by 169153 T/Capt
A. D. McWHINNIE, R.E.,
"E" BRITISH ARMY NEWSPAPER UNIT,
C. M. F.

At approximately 0130 hrs on the morning of Monday, December 11th, I was being taken back to Naples from 22 A.A. Brigade R.A.S.C. Coy, in a Hillman P.U. (No. 4776946) driven by Capt J. BAXTER, R.A.S.C. At a turning in the main road leading down from the 92nd General Hospital towards the top of the Via Roma the truck whose speed I would estimate at between 20 and 25 m.p.h., seemed to skid on to the far-side kerbstone and almost capsized. It then righted itself but the driver had by the time lost control and it careered on to collide head-on with a telegraph pole on the far side of the road.

Neither Captain BAXTER nor myself were injured but the left-hand front wheel of the vehicle was badly buckled. It could not be moved without the assistance of a break-down lorry.

Capt BAXTER remained with his vehicle whilst I obtained a lift into Naples and telephoned 350 Coy, R.A.S.C., requesting that they send out assistance.

In my opinion the car was being driven with due care and attention.

sgd D.D. McWHINNIE, Capt, R.E.

11th December, 1944.

Army Form A3676
(Revised August, 1942)
To be carried in an
addressed envelope
by every driver.
A.C.I.1312/1940
Cross out those words in ITALICS
which do not apply.

WAR DEPARTMENT TRAFFIC ACCIDENT REPORT

THIS SIDE TO BE COMPLETED AT SCENE OF ACCIDENT. IF SPACE IS INSUFFICIENT, WRITE ON BACK.

A. ACCIDENT	Date 11 Dec. 44	Time 0130	Place NAPLES.	Surname of Service Driver	No. of Service Vehicle
B. OTHER VEHICLE	Motor Car Motor Cycle Bicycle Horse Van	Make	H.P.	Registration No.	Name and address of Insurance Co.
C. DRIVER OF OTHER VEHICLE	Name	Driving Licence Date No.	Address and Occupation	Telephone	Insurance Certificate No. or Policy No.
D. OWNER OF OTHER VEHICLE	Name	Address and Occupation	Telephone		
E. INJURED PERSONS State whether civilian or in Armed Forces. If the latter, give Service, number and Unit.	Name	Age (approx.)	Address and Occupation	Telephone	Injury Slight Serious Fatal Slight Serious Fatal Slight Serious Fatal
F. WITNESSES Name, address etc., of every person present must be obtained.	Name	Address	Age approx.	Telephone	Occupation
G. APPARENT DAMAGE TO OTHER VEHICLE	In greatest detail possible <i>Front end of car crushed</i>				
H. INJURY TO ANIMALS	HORSE POULTRY SHEEP	COW PIG DOG	How many	LED STRAY-ING	Injures
I. DAMAGE TO PROPERTY	Nature of Property	Exact Location	Damage	Condition	IT was not will not have to be KILLED Property is NOT requisitioned
J. POLICEMAN	Name	Police Station	He did NOT see accident	A statement was NOT made to him	ROAD PATROL Name
K. LIGHTS	DAYLIGHT NIGHT	Service Vehicle NOT LIT	Other Vehicle NOT LIT	WARNING	UN-NECESSARY NOT GIVEN BY ME
L. SPEED OF VEHICLE	Service 20 m.p.h.	Other m.p.h.	NON BUILT UP AREA	GOOD FAIR BAD	STRAIGHT BEND CROSS ROADS TRAFFIC LIGHTS TRAFFIC SIGNS
M. I GAVE THE ACCIDENT SLIP, BELOW TO M.	He did NOT see accident Branch				

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E. INJURED PERSONS		Name		Age (approx.)		Address and Occupation		Telephone		Injury		Hospital (if known)	
1.													
2.													
3.													

F. WITNESSES		Name		Address		Telephone		Occupation	
1.		CAPT. D.D. McWHINNIE		"UNION JACK" C.M.F.					
2.									
3.									

G. *Left side of vehicle* (in greatest detail possible) *Left side of vehicle*

H. INJURY TO ANIMALS		Nature of Property		How many		LED		Condition		Injuries		Telephone		NAME & ADDRESS of OWNER or OCCUPIER	

I. DAMAGE TO PROPERTY		Nature of Property		Exact Location		Damage		Telephone		NAME & ADDRESS of OWNER or OCCUPIER	

J. POLICEMAN		Name		Police Station		He did NOT see accident		A statement was NOT made to him		ROAD PATROL		Name		Association		He did NOT see accident	

K. I GAVE THE ACCIDENT SLIP BELOW TO Mr. _____

Address _____

MAKE SKETCH ON BACK WHILE ON SCENE OF ACCIDENT

Instructions to Driver
 (a) You must not admit liability by word or deed, or even discuss the question of blame, nor must the Service personnel with you.
 (b) Should a Police Officer appear on the scene, await his permission before continuing your journey. If he requires the location of your Unit or a statement from you or any Service personnel, this may be given to him, but only to him and out of the hearing of any other person. If your Unit has a closed address you should, when giving the Police Officer its location, inform him that it must not be disclosed by him.
 (c) Report the accident immediately on your return. If you have been unable to give the Accident Slip below to the other person involved or to a Police Officer, you must inform your Commanding Officer of this so that he may report the accident to the Police within 24 hours in accordance with Section 92 of the Road Traffic Act, 1930. If you are not returning to your Unit within 24 hours, report the accident to the nearest Police Officer or Station.

This Accident Slip must be given to the other person involved or to the Police Officer, if one appears on the scene.

SERVICE		Name		Rank		Number		Unit		Vehicle No.		Code	

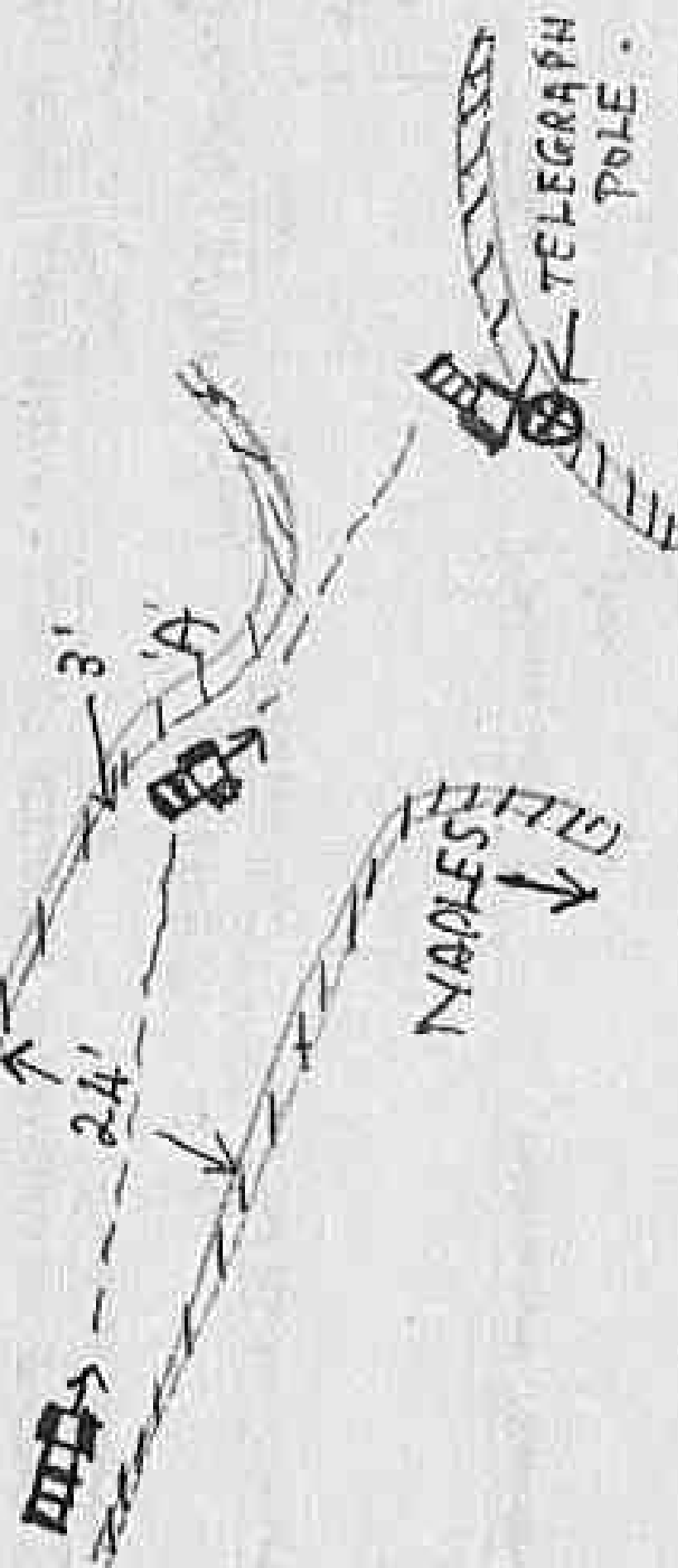
DRIVER		Name		Rank		Number		Unit		Vehicle No.		Code	

ACCIDENT		Date		Time		Place	

This slip is handed you for your convenience and is not to be taken as an admission of liability.
(Please Turn Over.)

Use this space for SKETCH and Circumstances for which there is no room on Page 1.
Put in all the measurements, skid-marks and details possible.

92 Gen. Troop.



From perforation at bottom to top of page is 1 foot.

This Report must be accompanied by the signed statements of the Driver and any Service Witnesses.

ISSN/291/1-44/50,000

TO BE COMPLETED ON RETURN TO UNIT.

N.	NAME in full (all Christian Names)	Number	Unit	Driving Experience Years	Date of entry into Service	Age	Rate of Pay per day
O.	Rank	Civilian Occupation	Type of Bodywork	Make	H.P.	RIGHT LEFT HAND DRIVE	Present Location of Vehicle
P.	No. of Service Vehicle	Load capacity	Serial No.	From	To	Nature of Duty	UN- LOA- DED
If a motor-cycle, were all those on it wearing crash helmets? (See A.C.12987/1941)							
Army Form G3518 was signed by A.F.G.3518							
If none signed, reason must be given in Driver's Statement							

I declare that the above particulars and my signed statement are true in every respect. I hereby authorize the War Department if they so desire to instruct the Treasury Solicitor* to act on my behalf if any proceedings which may be instituted against me arising out of the above traffic accident. Further, I authorize the War Department and the Treasury Solicitor* to take such action as may be considered proper and generally to do what may be considered necessary in my interests by the Treasury Solicitor* in his capacity as my Solicitor and legal adviser. This retainer includes my authority to admit liability if deemed advisable at a later date, after the facts have been fully investigated by the Treasury Solicitor*.

*Or the War Department Law Agent in Scotland or the Chief Crown Solicitor for Northern Ireland, at the case may be.

Date

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Driver's Signature

(This must be in Driver's handwriting not typed)

Q.	UNIT	Name	Address	Telephone	Unit's file reference	Command
R.	HIRED VEHICLE	Hired through	Contractor's Name & Address	Name & Address of Insurance Co. (if applicable)	Insurance Cert. No.	Rate of Hire per day
See A.C.1 para 1		(R.A.S.C. Unit)	Telephone		Policy No.	No. of Vehicles on charge to Unit
S.	DAMAGE TO SERVICE or hired vehicle and/or LOAD CARRIED	Will probably be repaired by: —				
Front suspension left side bent - Radiator damaged - left side mud wing buckled - head lamp broken.		(In greatest detail)				
T.	I certify that the service vehicle was being driven	ON DUTY	NOT ON DUTY	Name of Officer who gave authority for issue of A.F.G.3518	Number of previous accidents in which Driver has been concerned to blame	
T.2.	It is essential that A.D. Claims furnish me with	Police Report	Inquest Depositions	Statements of Injured Persons E.1 E.2 E.3	Statements of Witnesses F.1 F.2 F.3	Place of Injured E.1 E.2 E.3
		A.D. Claims to arrange attendance at	COURT OF INQUIRY	INVESTIGATION	Date	Time
		References are to Sections overleaf.	Put cross in those required.			

A COURT OF INQUIRY

U. Signature of O.C. Unit V. Signature of A.D. Agent

Service Driver	Rank	Civilian Occupation	No. of Service Vehicle	Type of Bodywork	Load capacity	Make	H.P.	RIGHT LEFT HAND DRIVE	Present Location of Vehicle	Age	Date of entry into Service	Rate of Pay per day
O. SERVICE or HIRED VEHICLE												
P. JOURNEY												
If a motor-cycle, were all those on it wearing crash helmets? (See A.C.I. 9887/1941)												
Army Form G3518 was signed by A.F.G.3518												
If none signed, reason must be given in Driver's Statement												
I declare that the above particulars and my signed statement are true in every respect. I hereby authorize the War Department if they so desire to instruct the Treasury Solicitor* to act on my behalf if any proceedings which may be instituted against me arising out of the above traffic accident. Further, I authorize the War Department and the Treasury Solicitor* to take such action as may be considered proper and generally to do what may be considered necessary in my interests by the Treasury Solicitor* in his capacity as my Solicitor and legal adviser. This retainer includes my authority to admit liability if deemed advisable at a later date, after the facts have been fully investigated by the Treasury Solicitor*.												
*Or the War Department Law Agent in Scotland or the Chief Crown Solicitor for Northern Ireland, at the case may be.												
Q. UNIT	Name	Address	194	Driver's Signature	(This must be in Driver's handwriting not typed.)							
R. HIRED VEHICLE	Hired through	Contractor's Name & Address	Telephone	Unit's file reference	Command							
S. DAMAGE TO SERVICE or hired vehicle and/or LOAD CARRIED	(R.A.S.C. Unit)	Telephone	Name & Address of Insurance Co. (if applicable)	Insurance Cert. No. or Policy No.	Rate of Hire per day	No. of Vehicles on charge to Unit						
T. I certify that the service Vehicle was being driven	ON DUTY	NOT ON DUTY	Name of Officer who gave authority for issue of A.F.G.3518	(In greatest detail)	Will probably be repaired by: —	No. of Vehicles on charge to Unit						
T.2. It is essential that A.D. Claims furnish me with	Police Report	Inquest Depositions	Statements of Injured Persons E.1 E.2 E.3	Statements of Witnesses F.1 F.2 F.3	A.D. Claims to arrange attendance at	COURT OF INQUIRY	Place	Date	Time	Of injured E.1 E.2 E.3	Of Witnesses F.1 F.2 F.3	
Put crosses in those required. References are to Sections available.												
W. IT IS NOT INTENDED TO HOLD												
Opinion of Officer commanding Unit as to responsibility. Only to be completed on copy sent to Higher Authority.)												
X. Punishment awarded												
Z. Disiplinary Action Approved												
Date 194												
All copies should be signed and dated.												
V. First Copy sent to A.D. Claims Comd. on 194												
Y. Second copy sent to next Higher Authority, namely: on 194												
Signature of Brigade or other Commander. 194												
Signature of Divisional Commander. 194												
Signature of Corps Commander. 194												

Any correspondence concerning this accident should give all the particulars set out on the other side of this slip and be addressed to:—
THE SECRETARY, CLAIMS COMMISSION, WING HOUSE, PICCADILLY, LONDON, W.1. (In Northern Ireland to: 2, Malone Park, Belfast.)
Should any person have been injured, full particulars should be given together with the address at which the person could be examined if necessary.
Should a vehicle have been damaged, the following information should be given:—(i) the name and address of the insurance Company; (ii) the number of the Policy; (iii) whether this is comprehensive, third party only or Road Traffic liability only; (iv) the amount of the excess (if any).

C O P Y

APPENDIX "C"

TRAFFIC ACCIDENT

Ref: TA/

Date of accident: Name of Driver:

W.D. Vehicle.

M. M. I. A.

No: 4776946.

Make: Hillman

Type: PU 10 hp.

PARTICULAR OF DAMAGE

Front axle bent.
Track rod "
Shock absorber arm bent.
2 L/H wheels unserviceable.
2 U bolts u/s
L/H frt. spring main leaf u/s.
L/H frt. wing badly buckled.
radiator damaged.
L/H frt. spring rear hanger dngd.

Centre bolt broken.
Bumper bar damaged.
" " brackets bent.
L/H wing lamp u/s.
Headlamp glass broken.
Cutout cover smashed.
Shock absorber mounting twisted
Wing centre assembly buckled.

ESTIMATE OF DAMAGE

	l.	s.	d.
Estimate cost of labour: 48 hrs @ 1/4d.	3.	-	-
Plus 100% overhead charges	3.	-	-
Cost of materials:	3.	15.	6.

2 L/h wheels2.10.0.
Frt. spring main leaf. L.15/-.
centre bolt 1/-.
L/H wing lamp 5/-.
Headlamp glass 1/-
Cut out cover 1/-
2 U bolts 2/6

Total cost l 9. 15. 6.

5812

Field.
11/12/1944.

sgd E. GOLD,
Capt. RASC,
O. i/c Workshops,
350 General Tpt Coy., RASC.

PROCEEDINGS of a Court of Enquiry
 assembled at In the Field
 on the 16th December 1944
 by order of Maj. Gen. L. BROWNING, C.B., O.B.E., M.C.
Comdg Land Forces Sub-Commission A.C. (M.W.I.A.)
 for the purpose of Investigating the circumstances
whereby a W.D. vehicle Hillman Utility W.D. 4776948
became damaged.

PRESIDENT

Major D.S.L. GREGSON, 5th R. Innis, D.G.

MEMBER

Major P.W. SAYS, Pioneer Corps

IN ATTENDANCE

The Court having assembled pursuant to order,
 proceed to take evidence.

1st WITNESS:

Capt R.J. BAXTER, R.A.S.C., having been duly sworn states:-

On the morning of the 11th December 1944, at about 0130 hours I was driving back to my billet from 22nd A.A. Brigade Company, R.A.S.C. I was accompanied by Captain A.D. McWHINNIE R.E. "E" British Army newspaper Unit C.M.F. At a corner in CAPTIVONTE I ran against the curb which caused the front wheel to buckle and locked the steering.

The car became out of control, I applied the brakes and it came to a standstill a few yards further on with the front wing against a telegraph pole. See attached Traffic accident slip, Army Form A. 3631 (Marked A and attached to the proceedings).

The reason I was on the left of the road was because my route was round the very sharp turning to the right and I had made a wide sweep to get round it. At the time of hitting the curb, my speed was about 25 m.p.h. The lights on the car were in perfect working order.

On the evening of 10th December Capt BURCHELL, 22nd A.A. Brigade Company, R.A.S.C., dined in our mess and after dinner I drove him home to 22nd A.A. Bde Coy Mess. I picked up Capt McWHINNIE to give him a lift back to his billet in MAPLES. I reported the accident by telephone to

PRESIDENT

Major D.S.L. GRIGSON, 5th R. Innis, D.G.

MEMBER

Major P.W. SAYS, Pioneer Corps

IN ATTENDANCE

The Court having assembled pursuant to order,
proceed to take evidence.

1st WITNESS:

Capt R.J. BAXTER, R.A.S.C., having been duly sworn states:-

On the morning of the 11th December 1944, at about 0130 hours I was driving back to my billet from 22nd A.A. Brigade Company, R.A.S.C. I was accompanied by Captain A.D. McWHINNIE R.E. "E" British Army newspaper Unit C.M.F. At a corner in CAPUCCINO I ran against the curb which caused the front wheel to buckle and locked the steering.

The car became out of control, I applied the brakes and it came to a standstill a few yards further on with the front wing against a telegraph pole. See attached Traffic accident slip, Army Form A. 3681 (Marked A and attached to the proceedings).

The reason I was on the left of the road was because my route was round the very sharp turning to the right and I had made a wide sweep to get round it. At the time of hitting the curb, my speed was about 25 m.p.h. The lights on the car were in perfect working order.

On the evening of 10th December Capt BURCHELL, 22nd A.A. Brigade Company, R.A.S.C., dined in our mess and after dinner I drove him home to 22nd A.A. Bde Coy Mess. I picked up Capt McWHINNIE to give him a lift back to his billet in NAPLES. I reported the accident by telephone to MIA office at approx 0030 hours and personally to senior LO MIA Naples as soon as possible.

1st QUESTION: At the time of the accident was Captain McWHINNIE the only passenger?

1st ANSWER: No, Captain McWHINNIE was sitting in the front seat next to me and there was an American Lieutenant sitting in the back of the car, who could not see what happened.

2nd QUESTION: You had no driver with you and were driving yourself?

2nd ANSWER: Yes. The regular driver had been given the day off and there was no substitute available.

3rd QUESTION: What was the state of the road at the time of the accident?

3rd ANSWER: It had been raining earlier in the day but at the time of the accident the surface was fairly dry.

4th QUESTION: What do you consider was the cause of hitting the curb?

4th ANSWER: Taking too wide a sweep to get round the corner coupled with the fact that the steering was loose.

5th QUESTION: Were you sober at the time of the accident?

5th ANSWER: Absolutely.

sgt R.J. BAXTER, Capt RASC.
16 Dec 44

2nd WITNESS:

Documentary. Owing to the time and distance involved Captain McWHINNIE was not called before the Court. A written statement of his evidence is marked B and attached to the proceedings.

The Court consider that no useful purpose would be served by calling the American Lieutenant referred to, as by his position in the back of the truck, he could not see what occurred.

OPINION

The Court having carefully considered the foregoing evidence are of the opinion that:-

- (i) That Captain BAXTER was responsible for the damage.
- (ii) That the value of the damage to the vehicle was £9.15.6 (nine pounds fifteen shillings and six pence). See certificate from officer i/c workshops 350 General Tpt Coy R.A.S.C. (Marked C and attached to the proceedings.

(iii) That at least some portion of the cost of replacement should

4th ANSWER: Taking too wide a sweep to get round the corner coupled with the fact that the steering was loose.

5th QUESTION: Were you sober at the time of the accident?

5th ANSWER: Absolutely.

sgt R.J. BAXTER, Capt RASC.

16 Dec 44

2nd WITNESS:

Documentary. Owing to the time and distance involved Captain McWHINNIE was not called before the Court. A written statement of his evidence is marked B and attached to the proceedings.

The Court consider that no useful purpose would be served by calling the American Lieutenant referred to, as by his position in the back of the truck, he could not see what occurred.

OPINION

The Court having carefully considered the foregoing evidence are of the opinion that:-

(i) That Captain BAXTER was responsible for the damage.

(ii) That the value of the damage to the vehicle was £9.15.6 (nine pounds fifteen shillings and six pence). See certificate from officer/c workshops 350 General Tpt Coy R.A.S.C. (Marked C and attached to the proceedings.

5910

(iii) That at least some portion of the cost of replacement should be borne by Capt BAXTER.

PRESIDENT: D.S.L. GREGSON, Major,
5th R. Innis, B.G.

MEMBER: P.W. SUYS, Major,
Pioneer Corps.

- 3 -

I concur with findings (1) and (11) of the Court. Under the circumstances I am not prepared to take disciplinary action against Captain Baxter. The cost of repair should be borne by the public.

A. Brown

Maj. Gen.
M.M.I.A.

26 Doc 44.

3309

W/S/1/8.

TRAFFIC ACCIDENT.

Ref: T4/

Date of Accident:..... Name of Driver:.....

V.D. Vehicle.

Platoon... ~~XXXXXX~~ M. H. L. S. S.

No: 776940;..... Name: Hillman;..... Type: RU. 12 hp.

PARTICULARS OF DAMAGE.

Front axle bent. Centre bolt broken.
 Track rod. Bumper bar damaged.
 Shock absorber arm bent. brackets bent.
 2 L/H wheels unserviceable. L/H wing lamp u/s.
 2 U bolts u/s. Headlamp glass broken.
 L/H frt. spring main leaf u/s. Cutout cover smashed.
 L/H frt. wing badly buckled. Shock absorber mounting twisted
 radiator damaged. Wing centre assembly buckled.
 1351147. 2444462. Rear hanger dngd.

	hrs	@	£	s	d
Estimate cost of labour:	45	1/4d.	3.	-	-
Plus 10% overhead charges			3.	-	-
Cost of materials			3.	15.	6.

2 L/H wheels.....	2.10.0.
Frt. spring main leaf..	2.15/-.
centre bolt.	1/-.
L/H wing lamp	5/-.
Headlamp glass	1/-.
Cut out cover	1/-.
2 U bolts.	2/3.

Total cost £ 9. 15. 6

Field.

/ 1944.

11 12

[Signature]
 Capt. F. S. L. S.
 O. i/c Workshops,
 790 General Tpt Coy., RASC.

Subject:- Accident Report.

To: Senior Liaison Officer M.M.I.A.,
NAPLES.

From: Capt. R.J. Baxter. RASC, att M.M.I.A.

Sir,

I have the honour to submit for your consideration this report of an accident in which W.D. Vehicle No. M4776946 Hillman P.U. on charge to MMIA was damaged.

At about 0130 hrs on 11 December 44 I was proceeding from 22 A.A. Bde Coy. RASC to my billet. My route was to have been via Naples centre in order that I could drop Capt. McWhinnie at his flat.

At CAPUTIMONTE, where the road takes a bend, that I was well aware of, I lost control of the vehicle, in that it went straight on and not to the right, and it struck the curb obliquely causing the front left hand wheel to buckle slightly (see "A" on sketch).

The steering was now completely jammed and the vehicle was still moving forward came to a stand still against a telegraph pole. I backed away but the steering was locked, so I could not proceed. (See "B" on sketch).

Capt. A.P. McWhinnie went off to telephone for assistance from 350 G.T. Coy RASC. I remained with the vehicle.

I reported the accident by phone from the scene to MMIA Naples.

I have the honour to be, Sir

Your Obedient Servant

R.J. BAXTER. CAPT. RASC.
M.M.I.A. NAPLES.

11 Dec 44.

5307

Subject:- Accident

Statement by 169153 T/Capt. A.D. McWHINNIE, R.E., "E" BRITISH
ARMY NEWSPAPER UNIT. C.M.F.

At approximately 0130 hrs on the morning of Monday 11 December, I was being taken back to Naples from 22 A.A. Brigade R.A.S.C. Coy, in a Hillman P.U. (No. 4776946) driven by Capt. J. Baxter, RASC. At a turning in the main road leading down from the 92nd General Hospital towards the top of the Via Roma the truck whose speed I would estimate at between 20 and 25 m.p.h., seemed to skid on to the far side curbstone and almost capsized. It then righted itself but the driver had by this time lost control and it careered on to collide head on with a telegraph pole on the far side of the road.

Neither Captain Baxter nor myself were injured but the left hand front wheel of the vehicle was badly buckled. It could not be moved without the assistance of a break-down lorry.

Captain Baxter remained with his vehicle whilst I obtained a lift into Naples and telephoned 350 Coy, RASC., requesting that they send out assistance.

In my opinion the car was being driven with due care and attention.

Signed: A.D. McWhinnie
Capt. R.E.

11 Dec 44.

5906

Army Form A3676
(Revised August, 1942)
To be carried in an
addressed envelope
by every driver.

A.C.I. 1312/1940

Cross out those words in ITALICS
which do not apply.

WAR DEPARTMENT TRAFFIC ACCIDENT REPORT

THIS SIDE TO BE COMPLETED AT SCENE OF ACCIDENT. IF SPACE IS INSUFFICIENT, WRITE ON BACK.

A.	ACCIDENT	Date 11 Dec. 44	Time 0130	Place NAPLES.	Surname of Service Driver	No. of Service Vehicle
B.	OTHER VEHICLE	Make Lorry	Year	H.P.	Name and address of Insurance Co.	Insurance Certificate No. or Policy No.
C.	DRIVER OF OTHER VEHICLE	Name	Driving Licence Date No.	Address and Occupation		Telephone
D.	OWNER OF OTHER VEHICLE	Name	Address and Occupation		Telephone	
E.	INJURED PERSONS State whether civilian or in Armed Forces. If the latter, give Service, number and Unit.	Name	Age (approx.)	Address and Occupation	Telephone	Injury Slight Serious Fatal Slight Serious Fatal Slight Serious Fatal
F.	WITNESSES Name, address etc., of every person present must be obtained.	Name	Address		Telephone	Age approx. Occupation
G.	APPARENT DAMAGE TO OTHER VEHICLE	(in greatest detail possible)				
H.	INJURY TO ANIMALS	HORSE POULTRY SHEEP	COW PIG DOG	How many	LED STRAY- ING	Injuries
I.	DAMAGE TO PROPERTY	Nature of Property		Exact Location	Damage	
J.	POLICEMAN	Name	Police Station	He did NOT see accident	A statement was NOT made to him	ROAD PATROL
K.	LIGHTS	DAYLIGHT NIGHT	Service Vehicle NOT LIT	Other Vehicle NOT LIT	WARNING	UN- NECESSARY
L.	SPEED OF VEHICLE	Service 20 m.p.h.	Other NON BUILT UP AREA	Traffic LIGHT DENSE	GOOD FAIR BAD	STRAIGHT BEND CROSS ROADS
						TRAFFIC LIGHTS TRAFFIC SIGNS
						NOT GIVEN BY OTHER
						Visibility CLEAR FOGGY RAIN

MAKE SKETCH ON BACK WHILE ON SCENE OF ACCIDENT

Instructions to Driver

(a) You must not admit liability by word or deed, or even discuss the question of blame, nor must the Service personnel with you. If he requires the location of your Unit or a statement from you or any Service personnel, this may be given to him, but only to him and out of the hearing of any other person. If your Unit has a closed address you should, when giving the Police Officer its location, inform him that it must not be disclosed by him.

(b) Should a Police Officer appear on the scene, await his permission before continuing your journey. If he requires the location of your Unit or a statement from you or any Service personnel, this may be given to him, but only to him and out of the hearing of any other person. If your Unit has a closed address you should, when giving the Police Officer its location, inform him that it must not be disclosed by him.

(c) Report the accident immediately on your return. If you have been unable to give the Accident Slip below to the other person involved or to a Police Officer, you must inform your Commanding Officer of this so that he may report the accident to the Police within 24 hours in accordance with Section 92 of the Road Traffic Act, 1930. If you are not returning to your Unit within 24 hours, report the accident to the nearest Police Officer or Station.

*Insert here
Initials of
Command*

Insert here
Initials of
Commander

Officer or Station. If one appears on the scene.

This Accident slip must be filled in by the driver of the vehicle involved in the accident.				Vehicle No.	Code
Name	Rank	Number	Unit		
SERVICE DRIVER					
ACCIDENT					

This slip is handed you for your convenience and is not to be taken as an admission of liability.

(Please Turn Over.)

This Report must be accompanied by the signed statements of the Driver and any Service Witnesses.

Use this space for SKETCH a particulars for which there is no room on Page 1.
Put in all the measurements, skid-marks and details possible.

PSSN/997 1-44/50,000



TO BE COMPLETED ON RETURN TO UNIT.

N.	NAME in full (all Christian Names)	Number	Unit	Driving Experience Years	Date of entry into Service	Age	Rate of Pay per day
O.	SERVICE DRIVER						
P.	SERVICE or HIRED VEHICLE						
Q.	JOURNEY						

If a motor-cycle, were all those on it wearing crash helmets? (See A.C.I. 2287/1941)

Army Form G3518 was signed by A.F.G.3518

If none signed, reason must be given in Driver's Statement

Serial No. Date

From To

Nature of Duty

UN-LOADED

Map reference of scene of accident

RIGHT HAND DRIVE

LEFT HAND DRIVE

Make

Load capacity

Type of Bodywork

Civilian Occupation

Present Location of Vehicle

I declare that the above particulars and my signed statement are true in every respect. I hereby authorize the War Department if they so desire to instruct the Treasury Solicitor* to act on my behalf if any proceedings which may be instituted against me arising out of the above traffic accident. Further, I authorize the War Department and the Treasury Solicitor* to take such action as may be considered proper and generally to do what may be considered necessary in my interests by the Treasury Solicitor*. In his capacity as my Solicitor and legal adviser. This retainer includes my authority to admit liability if deemed advisable at a later date, after the facts have been fully investigated by the Treasury Solicitor*.

*Or, the War Department Law Agent in Scotland or the Chief Crown Solicitor for Northern Ireland, as the case may be.

Q.	UNIT	Name	Address	194	Driver's Signature	Date	(This must be in Driver's handwriting not typed.)
R.	HIRED VEHICLE	Hired through	Contractor's Name & Address	Telephone	Unit's file reference	Command	
S.	DAMAGE TO SERVICE vehicle and/or LOAD CARRIED	(R.A.S.C. Unit)	Telephone	Name & Address of Insurance Co. (if applicable)	Insurance Cert. No. or Policy No.	Rate of Hire per day	No. of Vehicles on charge to Unit
T.	I certify that the service vehicle was being driven	ON DUTY	NOT ON DUTY	Name of Officer who gave authority for issue of A.F.G.3518	Will probably be repaired by: —	Number of previous accidents in which Driver has been concerned to blame	
U.	It is essential that A.D. Claims furnish me with	Police Report	Inquest Depositions	Statements of Injured Persons E.1 E.2 E.3	Statements of Witnesses F.1 F.2 F.3	COURT OF INQUIRY	Place Date Time
V.	Put cross to those required. References are to Sections overleaf.	References are to Sections overleaf.	References are to Sections overleaf.	References are to Sections overleaf.	References are to Sections overleaf.	References are to Sections overleaf.	References are to Sections overleaf.

TO BE COMPLETED ON RETURN TO UNIT.

N.	Name in full (all Christian Names)		Number	Unit	Driving Experience Years	Age	Rate of Pay per day
O.	Rank	Civilian Occupation			Civilian Service		
P.	No. of Service Vehicle	Type of Bodywork	Load capacity	Make	H.P.	RIGHT LEFT HAND DRIVE	Present Location of Vehicle
	If a motor-cycle, were all those on it wearing crash helmets? (See A.C.I. 9987/1941)						
	Army Form G3518 was signed by	A.F.G.3518	Journey	Nature of Duty	UN- LOA- DED	Map reference of scene of accident	
	If none signed, reason must be given in Driver's Statement		Serial No.	From	To		
I declare that the above particulars and my signed statement are true in every respect. I hereby authorize the War Department if they so desire to instruct the Treasury Solicitor* to act on my behalf if any proceedings which may be instituted against me arising out of the above traffic accident. Further, I authorize the War Department and the Treasury Solicitor* to take such action as may be considered proper and generally to do what may be considered necessary in my interests by the Treasury Solicitor* in his capacity as my Solicitor and legal adviser. This retainer includes my authority to admit liability if deemed advisable at a later date, after the facts have been fully investigated by the Treasury Solicitor*. *Or the War Department Law Agent in Scotland or the Chief Crown Solicitor for Northern Ireland, as the case may be.							
Q.	UNIT	Name	Address	Telephone	Unit's file reference	Command	
R.	HIRED VEHICLE	Hired through	Contractor's Name & Address	Name & Address of Insurance Co. (if applicable)	Insurance Cert. No. or Policy No.	Rate of Hire per day	
	See A.C.I. para	(R.A.S.C. Unit)	Telephone			No. of Vehicles on charge to Unit	
S.	DAMAGE TO SERVICE or hired vehicle and/or LOAD CARRIED	Front suspension left side bent - Radiator damaged - left side mud wing buckled head lamp broken		Will probably be repaired by: -			
		(In greatest detail)		(Name of Repair Shop or Garage)			
T.	I certify that the service Vehicle was being driven	ON DUTY	NOT ON DUTY	Name of Officer who gave authority for issue of A.F.G.3518	Number of previous accidents in which Driver has been concerned to blame		
		Police Report	Inquest Depositions	Statements of Injured Persons E.1 E.2 E.3	Statements of Witnesses F.1 F.2 F.3		
T.2.	It is essential that A.D. Claims furnish me with	Put cross to those required. References are to Sections overleaf.	A.D. Claims to arrange attendance at	COURT OF INQUIRY	Place	Date Time	
W.	IT IS NOT INTENDED TO HOLD	Opinion of Officer commanding Unit as to responsibility. Only to be completed on copy sent to Higher Authority.		U. Signature of O.C. Unit		Z. Disciplinary Action Approved	
				Date 194		Signature of Brigade or other Commander.	194
				V. First Copy sent to A.D. Claims		Signature of Divisional Commander	194
				on 194			
				Y. Second copy sent to next Higher Authority, namely:			194
				on 194		Signature of Corps Commander.	
X.	Punishment awarded						

Any correspondence concerning this accident should give all the particulars set out on the other side of this slip and be addressed to:—
THE SECRETARY, CLAIMS COMMISSION, WING HOUSE, PICCADILLY, LONDON, W.1. (In Northern Ireland to: 2, Malone Park, Belfast.)

Should any person have been injured, full particulars should be given together with the address at which the person could be examined if necessary.

Should a vehicle have been damaged, the following information should be given:—(i) the name and address of the insurance Company; (ii) the number of the Policy; (iii) whether this is comprehensive, third party only or Road Traffic liability only; (iv) the amount of the excess (if any).

Land Forces Sub Comm. A. C.
(M. M. I. A.)

R O M E

AQ/6/8

15 Dec 44.

COURT OF INQUIRY

CONVENING ORDER

By order of Maj. Gen. BROWNING, C.B., C.B.E., M.C., a Court of Inquiry, composed as under, will assemble at HQ MMIA, at a date to be determined by the President, for the purpose of investigating the circumstances whereby a W.D. Vehicle Hillman Utility W.D. 4776346 became damaged.

PRESIDENT: Maj. D.S.L. GREGSON, 5th R. Innis, D.G.

MEMBER: Maj. P.W. SMYTH, Pioneer Corps

1. The evidence will be taken on oath.
2. The Court will record an opinion.
3. The Opinion of the Court will declare:-
 - (a) Who was responsible for the damage.
 - (b) The value of the ~~vehicle~~ damage to the vehicle.
 - (c) By whom the cost of replacement shall be borne.
4. The President will arrange for the attendance of any witnesses required by the Court.
5. Attention of the Court is directed to L.R. paras 768 & 769, and GRO 96 of 1944.
6. The proceedings in triplicate will be handed to A/R Branch, HQ MMIA upon completion.

SPA/wk

DISTRIBUTION:

President	1
Member	1
Sr. IO, Naples	1
War Diary	2
File	1

F. J. Noakes
F. J. NOAKES, Col,
DA & JAG,
M. M. I. A.

5804

Subject:- Accident

Statement by 169153 T/Capt. A.D. McWHINNIE, R.E., "E" BRITISH
ARMY NEWSPAPER UNIT. C.M.F.

At approximately 0130 hrs on the morning of Monday 11 December, I was being taken back to Naples from 22 A.A. Brigade R.A.S.C. Coy, in a Hillman P.U. (No. 4776946) driven by Capt. J. Baxter, RASC. At a turning in the main road leading down from the 92nd General Hospital towards the top of the Via Roma the truck whose speed I would estimate at between 20 and 25 m.p.h., seemed to skid on to the far side curbstone and almost capsized. It then righted itself but the driver had by this time lost control and it careered on to collide head on with a telegraph pole on the far side of the road.

Neither Captain Baxter nor myself were injured but the left hand front wheel of the vehicle was badly buckled. It could not be moved without the assistance of a break-down lorry.

Captain Baxter remained with his vehicle whilst I obtained a lift into Naples and telephoned 350 Coy, RASC., requesting that they send out assistance.

In my opinion the car was being driven with due care and attention.

Signed: A.D. McWhinnie
Capt. R.E.

11 Dec 44.

Subject:- Accident Report.

To: Senior Liaison Officer M.M.I.A.,
NAPLES,

From: Capt. R.J. Baxter. RASC, att M.M.I.A.

Sir,

I have the honour to submit for your consideration this report of an accident in which W.D. Vehicle No. M4776946 Hillman P.U. on charge to MMIA was damaged.

At about 0130 hrs on 11 December 44 I was proceeding from 22 A.A. Bde Coy. RASC to my billet. My rout was to have been via Naples centre in order that I could drop Capt. McWhinnie at his flat.

At CAPUTIMONTE, where the road takes a bend, that I was well aware of, I lost control of the vehicle, in that it went straight on and not to the right, and it struck the curb obliquely causing the front left hand wheel to buckle slightly (see "A" on sketch).

The steering was now completly jammed and the vehicle was still moving forward came to a stand still against a telegraph pole. I backed away but the steering was locked, so I could not proceed. (See "B" on sketch).

Capt. A.D. McWhinnie went off to telephone for assistance from 350 G.T. Coy RASC. I remained with the vehicle.

I reported the accident by phone from the scene to MMIA Naples.

I have the honour to be, Sir

Your Obedient Servant


R.J. BAXTER. CAPT. RASC.
M.M.I.A. NAPLES.

11 Dec 44.

5902

PROCEEDINGS of a Court of Enquiryassembled at In the Fieldon the 16th December 1944by order of Maj. Gen. L. BROWNING, C.B., O.B.E., M.C.Comdg Land Forces Sub-Commission A.C. (M.M.I.A.)for the purpose of Investigating the circumstanceswhereby a W.D. vehicle Hillman Utility W.D. 4776946became damaged.PRESIDENT

Major D.S.L. GREGSON, 5th R. Innis, D.G.

MEMBER

Major P.W. SUYS, Pioneer Corps

IN ATTENDANCEThe Court having assembled pursuant to order,

proceed to take evidence.

1st WITNESS:

Capt R.J. BAXTER, R.A.S.C., having been duly sworn states:-

On the morning of the 11th December 1944, at about 0130 hours I was driving back to my billet from 22nd A.A. Brigade Company, R.A.S.C. I was accompanied by Captain A.D. McWHINNIE R.E. "E" British Army newspaper Unit C.M.F. At a corner in CAPUTIMONTE I ran against the curb which caused the front wheel to buckle and locked the steering.

The car became out of control, I applied the brakes and it came to a standstill a few yards further on with the front wing against a telegraph pole. See attached Traffic accident slip, Army Form A. 3681 (Marked A and attached to the proceedings).

The reason I was on the left of the road was because my route was round the very sharp turning to the right and I had made a wide sweep to get round it. At the time of hitting the curb, my speed was about 25 m.p.h. The lights on the car were in perfect working order.

On the evening of 10th December Capt BURCHILL, 22nd A.A. Brigade Company, R.A.S.C., dined in our mess and after dinner I drove him home to 22nd A.A. Bde Coy Mess. I picked up Capt McWHINNIE to give him a lift back to his billet in NAPLES. I reported the accident by telephone to MMIA office at approx 0830 hours and personally to Senior IO MMIA Naples at approx

PRESIDENT

Major D.S.L. GREGSON, 5th R. Innis, D.G.

MEMBER

Major P.W. SUYS, Pioneer Corps

IN ATTENDANCE

The Court having assembled pursuant to order,

proceed to take evidence.

1st WITNESS: Capt R.J.BAXTER, R.A.S.C., having been duly sworn states:-

On the morning of the 11th December 1944, at about 0130 hours I was driving back to my billet from 22nd A.A. Brigade Company, R.A.S.C. I was accompanied by Captain A.D. McWHINNIE R.E. "E" British Army newspaper Unit C.M.F. At a corner in CAPUTIMONTE I ran against the curb which caused the front wheel to buckle and locked the steering.

The car became out of control, I applied the brakes and it came to a standstill a few yards further on with the front wing against a telegraph pole. See attached Traffic accident slip, Army Form A. 3681 (Marked A and attached to the proceedings).

The reason I was on the left of the road was because my route was round the very sharp turning to the right and I had made a wide sweep to get round it. At the time of hitting the curb, my speed was about 25 m.p.h. The lights on the car were in perfect working order.

On the evening of 10th December Capt BURCHILL, 22nd A.A. Brigade Company, R.A.S.C., dined in our mess and after dinner I drove him home to 22nd A.A. Bde Coy Mess. I picked up Capt McWHINNIE to give him a lift back to his billet in NAPLES. I reported the accident by telephone to MIA office at approx 0830 hours and personally to senior LO MIA Naples as soon as possible.

1st QUESTION: At the time of the accident was Captain McWHINNIE the only passenger?

1st ANSWER: No, Captain McWHINNIE was sitting in the front seat next to me and there was an American Lieutenant sitting in the back of the car, who could not see what happened.

2nd QUESTION: You had no driver with you and were driving yourself?

2nd ANSWER: Yes. The regular driver had been given the day off and there was no substitute available.

3rd QUESTION: What was the state of the road at the time of the accident?

3rd ANSWER: It had been raining earlier in the day but at the time of the accident the surface was fairly dry.

4th QUESTION: What do you consider was the cause of hitting the curb?

4th ANSWER: Taking too wide a sweep to get round the corner coupled with the fact that the steering was loose.

5th QUESTION: Were you sober at the time of the accident?

5th ANSWER: Absolutely.

sgd R.J.BAXTER, Capt RASC.
16 Dec 44

2nd WITNESS:

Documentary. Owing to the time and distance involved Captain McWHINNIE was not called before the Court. A written statement of his evidence is marked B and attached to the proceedings.

The Court consider that no useful purpose would be served by calling the American Lieutenant referred to, as by his position in the back of the truck, he could not see what occurred.

OPINION

The Court having carefully considered the foregoing evidence are of the opinion that:-

- (i) That Captain BAXTER was responsible for the damage.
- (ii) That the value of the damage to the vehicle was £9.15.6 (nine pounds fifteen shillings and six pence). See certificate from officer i/c workshops 350 General Tpt Coy R.A.S.C. (Marked C and attached to the proceedings.

- (iii) That at least some portion of the cost of replacement should be borne by Capt BAXTER.

4th ANSWER: Taking too wide a sweep to get round the corner coupled with the fact that the steering was loose.

5th QUESTION: Were you sober at the time of the accident?

5th ANSWER: Absolutely.

sgd R.J.BAXTER, Capt RASC.
16 Dec 44

2nd WITNESS:

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(iii) That at least some portion of the cost of replacement should be borne by Capt BAXTER.

PRESIDENT: D.S.L. GREGSON, Major,
5th R. Innis, D.G.

MEMBER: P.W.SUYS, Major,
Pioneer Corps.

- 3 -

I concur with findings (1) and (ii) of the Court. Under the circumstances I am not prepared to take disciplinary action against Captain Baxter. The cost of repair should be borne by the public.

26 Dec 44.

L. Brown

Maj. Gen.
M.M.I.A.

5899

C O P Y

APPENDICES "A"

Subject: Accident

Statement by 169153 T/Capt
A. D. McWHINNIE, R.E.,
"E" BRITISH ARMY NEWSPAPER UNIT,
C. M. F.

At approximately 0130 hrs on the morning of Monday, December 11th, I was being taken back to Naples from 22 A.A. Brigade R.A.S.C. Coy, in a Hillman P.U. (No. 4776946) driven by Capt J. BAXTER, R.A.S.C. At a turning in the main road leading down from the 92nd General Hospital towards the top of the Via Roma the truck whose speed I would estimate at between 20 and 25 m.p.h., seemed to skid on to the far-side kerbstone and almost capsized. It then righted itself but the driver had by the time lost control and it careered on to collide head-on with a telegraph pole on the far side of the road.

Neither Captain BAXTER nor myself were injured but the left-hand front wheel of the vehicle was badly buckled. It could not be moved without the assistance of a break-down lorry.

Capt BAXTER remained with his vehicle whilst I obtained a lift into Naples and telephoned 350 Coy, R.A.S.C., requesting that they send out assistance.

In my opinion the car was being driven with due care and attention.

sgd D.D. McWHINNIE, Capt, R.E.

11th December, 1944.

Army Form A3581 (ENG-IT) (Amended)

To be carried by every
driver instead of:-R.N.—Form D354
Army—A.F. A3676
R.A.F.—Form 446

TRAFFIC ACCIDENT SLIP

Part A

INSTRUCTIONS TO DRIVER

1. In the event of an accident, tear this Slip along the perforation.
2. Hand this part (Part A) to the civilian involved, or to the police officer, if any, in order that he may fill in the information required overleaf and below and return it to you. Make sure that he does this.
3. Fill in Part B and hand it to the civilian involved or to the police officer.
4. You must not disclose your unit or make a statement to the police or to anyone else.
5. You must not make use of the Accident Slip at the foot of A.F. A3676 (Revised August, 1942) or of R.A.F. Form 446.
6. Report the accident immediately on your return to your unit.

Animals or Property damaged
Animali o Cose danneggiati
Tiere oder Eigentum beschädigt

Sketch of Accident
Schizzo dell' incidente
Skizze des Unfalls

Owner Proprietario Besitzer	Name Nome e cognome Vor- und Zuname	Address Indirizzo Anschrift
Police Officer Agente Polizia Polizist	Name Nome e cognome Vor- und Zuname	Address Indirizzo Anschrift
No. (Nr.)		

92 GENERAL HOSPITAL

24

3'

A'

NAPLES

Speeds: Service vehicle

Velocità: Veicolo Militare

Geschwindigkeit: Militärisches Fahrzeug

Other vehicle

Altro Veicolo

Anderes Fahrzeug

1. Il conducente del veicolo borghese deve riempire il modulo qui sopra e restituirlo al conducente militare.
2. La consegna di questo tagliando non implica che sarà pagato alcun compenso; se il danneggiato ritiene di aver diritto a compenso, dovrà fornire tutti i particolari dell'incidente alla Polizia e spedire anche una domanda per via di posta, avendo cura di indicare tutti i particolari che appaiono a tergo, al Presidente del British Claims Commission, C.M.F.
3. Se qualcuno è stato ferito: il nome, l'indirizzo, l'età, la professione e le ferite debbono essere specificate. Bisogna anche includere l'indirizzo o il luogo dove il ferito può essere visitato.
4. Se qualche veicolo è stato danneggiato si dovranno dare le seguenti informazioni:
 1. Il nome e l'indirizzo della Compagnia Assicuratrice.
 2. Numero della Polizza d'Assicurazione.
 3. Luogo dove si può ispezionare il veicolo.
1. Der zivile Fahrer oder die im Unfall betreffende Person soll dieses Formular unter Rückgabe dem militärischen Fahrer ausfüllen.
2. Die Ueberreichung des Formulars berechtigt keineswegs eine Entschädigung. Wenn der Beschädigte glaubt, er sei zu einer Entschädigung berechtigt, so soll er den auf der Rückseite dieses Formulars befindlichen Fragebogen ausfüllen. Das ausgefüllte Formular soll der Polizei übergeben werden; auch ein schriftliches Ersuchen ist durch Post zu befürden dem Praesident British Claims Commission.
3. Im Falle wo persönlicher Schaden gelitten wird, müssen Name, Alter, Beruf und Beschreibung der Beschädigungen notiert werden, sowie die Adresse wo der Beschädigte untersucht werden kann.
4. Im Falle wo ein Wagen beschädigt wird, soll die folgende Auskunft gegeben werden.
 1. Name und Adresse der Versicherungs-Gesellschaft.
 2. Nummer des Versicherungsscheins.
 3. Wo der Wagen besichtigt werden kann.

PSSN/783/5-44/100,000

Part A. To be handed to civilian involved (or police officer) to fill in and return to Service driver.

Accident Incidente Unfall	Date Data Datum 11 Dec 44	Time Ora Zeit 0130 hr	Place Luogo Napoli	Provincia di		
Civilian Vehicle Veicolo borghese Ziviler Wagen	Type Art	H.P. C.V. Pferde-stärke	Make Marca Marke	Year Anno Jahr	No. Numero Nr.	Insurance Co. Compagnia d'Assicurazione Versicherungs-Gesellschaft
Civilian Driver Conducente borghese Ziviler Fahrer	Name	Name	Name	Address and Profession Indirizzo e Professione Anschrift und Beruf	Telephone Telefono Fernsprecher	Driving License Patente Führerschein No. Nr. Date Datum
Owner of Vehicle Proprietario del Veicolo Besitzer des Wagens	Name	Name	Name	Address Indirizzo Anschrift	Telephone Telefono Fernsprecher	Profession Professione Beruf
Injured Persons Persone ferite Beschädigte Personen	Names Nomi Namen	Address and Profession Indirizzo e Professione Anschrift und Beruf	Telephone Telefono Fernsprecher	Age Età Alter	Sex Sesso Geschlecht	Injury Ferita Beschädigung L. Light G. Grave F. Fatal
Witnesses Testimoni Zeugen	Names Nomi Namen	Address Indirizzo Anschrift	Telephone Telefono Fernsprecher	Profession Professione Beruf		
Damage to Vehicle Danno al veicolo Beschädigung des Wagens	Front suspension left side bent - Radiator damaged 1/2 side mud very buckled - Head lamp broken					(See over) (A tergo) (Bitte wenden)

Accident Incidente Unfall	Date Data Datum	Time Ora Zeit	Place Luogo	Provincia di	
Service Driver Conducente Militare Militärischer Fahrer	Number Nr.	Matricola	Rank Grado Dienstgrad	Name Nome	No. of Service Vehicle Numero del veicolo Militare Nr. des militärischen Fahrzeuge

C O P Y

APPENDIC "C"

TRAFFIC ACCIDENT

Ref: TA/

Date of accident: Name of Driver.

W.D. Vehicle.

M. M. I. A.

No: 4776946.

Make: Hillman

Type: PU 10 hp.

PARTICULAR OF DAMAGE

Front axle bent.
Track rod "
Shock absorber arm bent.
2 L/H wheels unserviceable.
2 U bolts u/s
L/H frt. spring main leaf u/s.
L/H frt. wing badly buckled.
radiator damaged.
L/H frt. spring rear hanger dmgd.

Centre bolt broken.
Bumper bar damaged.
" " brackets bent.
L/H wing lamp u/s.
Headlamp glass broken.
Cutout cover smashed.
Shock absorber mounting twisted
Wing centre assembly buckled.

ESTIMATE OF DAMAGE

Estimate cost of labour: 45 hrs @ 1/4d.

Plus 100% overhead charges

Cost of materials:

2 L/h wheels2.10.0.
Frt. spring main leaf. h.15/-
centre bolt 1/-
L/H wing lamp 5/-
Headlamp glass 1/-
Cut out cover 1/-
2 U bolts 2/6

Total cost

	h.	s.	d.
Estimate cost of labour	3.	-	-
Plus 100% overhead charges	3.	-	-
Cost of materials	3.	15.	6.
Total cost	h	9.	15. 6.

5890

Field.
11/12/1944.

sgd E. GOLD,
Capt. RASD,
O. i/o Workshops,
350 General Tpt Coy., RASC.

SUBJECT: Request for replacement and punishment
of Officer personnel

LIAISON OFFICER
LAND FORCES SUB COMM. A.C.
(M.M.I.A.)
F/30

13 December 1944

TO: GOC, Land Forces Sub Comm. A.C. (M.M.I.A.)

1. As ordered by the undersigned, the Naples Office operates on Sundays with only a skeleton staff when practical to do so. All regular assigned drivers are given the day off except for one.

2. On Sunday ¹⁰9 December 1944, the British driver Mathieson and WD vehicle M4776946 Hillman P.U., was scheduled to be on duty. On the afternoon of Saturday, 8 December 1944, Captain Benatti, Camp Commandant, and Captain Baxter reported to me to discuss the mechanical deficiency of the above mentioned Hillman P.U. Captain Baxter stated that the vehicle was in poor condition and was being placed in the workshop. He then requested that we permit driver Mathieson to drive an American vehicle which of course I would not allow, consequently, it was agreed that we had no other alternative except to use an American driver and vehicle.

3. As of Monday morning ¹¹10 December 1944, Captain Baxter failed to report for duty and I was informed by Captain Thrupp that Captain Baxter's vehicle had broken down because of a bad rear axle. Shortly before noon, Captain Baxter reported to the office. We had lunch together and questioning by me developed the fact that Captain Baxter had been in an accident while driving the vehicle and as a result, wrecked same.

4. After returning from the mess, I ordered Captain Baxter to report to me. I explained to the Captain my feelings in the matter setting forth the following facts;

(a) That he had lied to me on the previous Saturday afternoon in that the vehicle was not deficient and further that he had deliberately "cooked up" a story concerning the vehicle in order that he might implement a prior personal weekend plan which contemplated the use of the British vehicle.

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(b) That he was driving the vehicle which was in violation of my orders.

(c) That he had wrecked the vehicle which further handicapped the Naples office critical transport situation.

(d) That by lying to his Senior Officer, he had evidenced a disloyal and dishonest trait which could not be tolerated.

(e) That I would immediately recommend that he be replaced and punished.

(f) That he would submit to me immediately, the British Traffic Accident Slip, Army Form A3681, which is attached, in duplicate.

5. I wish to remind you that Captain Baxter was transferred from Hq. MMIA to the Naples office with the understanding between Lt. Colonel Perceval and myself that his service prior to his transfer had not been satisfactory. It was requested by Lt. Colonel Perceval that I accept his assignment and do my best to make something out of him. His services while acting as British S/T representative in that Section have not been entirely unsatisfactory. He is a young man and apparently finds it difficult to seriously apply himself to his job. His personal and outside activities seem to take precedence over any general activity concerning the Military Mission.

6. It is hereby requested that Captain Baxter be duly punished as laid down by British Army regulations and that he be immediately replaced. Because of the importance attached to the Italian vehicles from Sardinia, it is suggested that he be replaced by Captain Craig.

7. As previously ordered by the Assistant Deputy Director, in matters of this nature, the officer in question is being ordered to report to Hq. MMIA.

George D. Smith Jr.
GEORGE D. SMITH JR.
Major Infantry
Senior Liaison Officer

GDS/nl

3094

Land Forces Sub Comm. A. C.
(M. M. I. A.)
R O M E
AQ/6/5

15 Dec 44.

COURT OF INQUIRY

CONVENING ORDER

By order of Maj. Gen. BROWNING, C.B., O.B.E., M.C., a Court of Enquiry, composed as under, will assemble at HQ MMIA, at a date to be determined by the President, for the purpose of investigating the circumstances whereby a W.D. Vehicle Hillman Utility W.D. 4776946 became damaged.

PRESIDENT: Maj. D.S.L. GREGSON, 5th R. Innis. D.G.

MEMBER: Maj. P.W. SUYS, Pioneer Corps

1. The evidence will be taken on oath.
2. The Court will record an opinion.
3. The Opinion of the Court will declare:-
 - (a) Who was responsible for the damage.
 - (b) The value of the ^{damage to the vehicle.} ~~vehicle~~.
 - (c) By whom the cost of replacement shall be borne.
4. The President will arrange for the attendance of any witnesses required by the Court.
5. Attention of the Court is directed to K.R. paras 768 & 769, and GRO 96 of 1944.
6. The proceedings in triplicate will be handed to A/Q Branch, HQ MMIA upon completion.

F. J. Noakes
F. J. NOAKES, Col.
DA & QMG,
M. M. I. A.

SPA/wk

DISTRIBUTION:

President	1 ✓
Member	1
Sr. LO, Naples	1
War Diary	2
File	1

3893

1445