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COURT
SEPT. 1945

OF INQUIRY
PROCEDURE AND REPORTS

PROCEEDINGS of a COURT OF INQUIRY

assembled at H.Q. A.C.C.

on the 29th Day of September 1944

by order of Col. R.H. FARRER (Executive Officer)

ALLIED CONTROL COMMISSION, C.M.F.

for the purpose of inquiring into the circumstances
in which a WEHLEY SCOTT PISTOL No.685535 was lost.

PRESIDENT.

Capt. D.C. MOYLE R.A.

MEMBERS

Lieut. R.V. DUDLEY-CLARK, R. F.

IN ATTENDANCE

N I L

The COURT having assembled pursuant to order
proceed to record the evidence.

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The C O U R T having assembled pursuant to order 26:9
proceed to Record the evidence.

1st WITNESS- No.291645, Major S.J. HARVEY G.I. states:

On the 12th Sept.1944, that he proceeded on a journey from Rome to forward areas in a British Staff Car, accompanied by Col.R.R. Cripps, Capt.R.N. Temple, and the car was driven by Drv. T.H. West. Owing to the fact that there was insufficient room inside the vehicle for kit, all the luggage was placed upon the luggage grid on top of the vehicle. Amongst this kit was his kit bag containing Webley Scott Pistol No.685535, which was issued to him at No.1 Transit Camp Home Forces. None of the kit was secured by straps, ropes or other means, but the kit bag in question was held in place by the remainder of the kit being wedged against it. The kit bag containing the pistol was locked with a pad-lock. No securing means in the form of straps etc. were available on the car.

Before commencing the journey the luggage was inspected by the driver and passengers and each was satisfied that his own personal luggage was there and was sufficiently secured for the journey. The route taken from Rome to Bolsena was Route 2 and from then on Route 71 towards Orvieto. A halt was made 6 miles (approx) before Orvieto and when the luggage was inspected his kit bag containing the pistol was missing, while the remainder of the luggage was intact. From the time that the luggage was inspected in Rome to this halt, the vehicle had not stopped. He did not carry the revolver on his person, because of the orders forbidding this practice in the Rome Area. Ordering

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On his return to Rome on 15th Sept. 1944, he reported the loss of the kit bag and contents to the Provost Marshall R.A.A.C. The kit bag is marked with his personal number, name and unit.

signed: S.J. Harvey, Maj. G.L.

291645

2nd WITNESS. No. 2/14577757, Drv. West. F.H. K.A.S.P. states, - that on about 15th Sept. 1944 he was detailed to drive a party of officers consisting of Col. R.R. Cripps, Major S.J. Harvey and Capt. R.R. Temple from Rome to the forward areas. Some luggage had to be loaded on the luggage grid on the roof of his vehicle. This consisted of three officer's valises and a kit bag. No straps etc. were available for securing kit, but the straps of the valises were attached to the rail of the luggage - grid and the kit bag which was placed between the valises was secured to the rail of the grid by the kit bag rope which passes through the eyes at the top. He could not say whether the kit bag was locked. Before commencing the journey each officer examined his kit and satisfied himself that it was secure. At the first halt, about 6 miles before Orvieto on Route 71, the kit was examined and the kit bag of Major S.J. Harvey was found to be missing. There was no indication that the kit bag had fallen off during the journey.

He states that he cannot definitely say that the kit-bag was secured by a kit-bag rope to the tail of the luggage grid.

signed: F.H. West, Dvr.

3rd WITNESS. No: 0-523284, Capt. Ralph R. Temple AUS. states, - that on Sept. 12th, 1944, he was a member of a party of officers, who were proceeding

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were available for securing kit, but the straps of the valises were attached to the rail of the luggage - grid and the kit bag which was placed between the valises was secured to the rail of the grid by the kit bag rope which passes through the eyes at the top. He could not say whether the kit bag was locked. Before commencing the journey each officer examined his kit and satisfied himself that it was secure. At the first halt, about 6 miles before Orvieto on Route 71, the kit was examined and the kit bag of Major S.J. Harvey was found to be missing. There was no indication that the kit bag had fallen off during the journey.

He states that he cannot definitely say that the kit-bag was secured by a kit-bag rope to the tail of the luggage grid.

signed: F.H. West, Dvr.

3rd WITNESS. No: O-523284. Capt. Ralph H. Temple AUS. states, - that on Sept. 12th, 1944, he was a member of a party of officers, amongst which was Major S.J. Harvey, who were proceeding from Rome to the forward areas. He was present when Major Harvey's kit-bag was loaded on the luggage-grid on top of the vehicle. He was satisfied that all the kit was securely loaded.

At the first stop a few miles short of Orvieto, Major Harvey remarked that his kit-bag which contained the pistol was missing.

signed: Ralph H. Temple
Capt. AUS

The Court examined the following attached documents:-

- A) Statement of evidence by Col. R. R. CHIPS who was unable to attend the Court owing to the exigencies of the service.
- B) Report on the loss of a kit-bag by Major S. J. HARVEY to Provost Marshal R. A. A. C.
- C) A.F. 6938.

The convening officer directs that an opinion be recorded.

The Court having recorded and examined the evidence are of the opinion that:-

- 1) The WHELEY SCOTT PISTOL No. 685535 was lost, when a kit-bag inside which the pistol was contained, was lost on a journey between Rome and the forward areas.
- 2) In view of the regulations forbidding the carrying of arms on the person in Rome (R. A. A. C. General Order No. 9, dated 1.7.44), all reasonable precautions were taken for its safety.
- 3) The loss was reported and all reasonable steps were taken for its recovery.
- 4) That the cost of replacement be borne by public funds.

Signed: D. C. MOYLE Capt. R. A.
PRESIDENT

Signed: R. V. DUDLEY-CLARKE R. F.
MEMBER

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The Court having recorded and examined the evidence are of the opinion that:-

- 1) The WEHLEY SCOTT PISTOL No. 685535 was lost, when a kit-bag inside which the pistol was contained, was lost on a journey between Rome and the forward areas.
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- 3) The loss was reported and all reasonable steps were taken for its recovery.
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signed: D.C. MOYLE Capt. R.A.
PRESIDENT

signed: R.V. DUDLEY-CLARKE R.F.
MEMBER

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A.

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Colonel R.R. GRIFFE, G.S., 35548, states " On Tuesday, 12th September I travelled from ROME to CHIANGIANO in staff car No. 1155031 driven by Dvr. and accompanied by Major S. J. Harvey (B) and Captain R.R. Temple (A). Before leaving my billet all the baggage was placed on the luggage carrier on the roof of the car. This included one valise, one bedroll, two kit bags, one of which belonged to Major S. J. Harvey. The bedroll and valise were fastened to the outside rail of the luggage carrier with the two kitbags wedged in between. I personally assisted in the loading of this baggage and it all seemed perfectly secure, the kitbag belonging to Major S. J. Harvey was 75 per cent below the rail level. After about 1 1/2 hr travelling a halt was made just short of CIVITANO. It was then discovered that the kitbag belonging to Major S. J. Harvey was missing. MAJOR HARVEY stated the kitbag contained his rations for two days and some oddsends of kit and personal belongings. As time was pressing I decided it was not worthwhile returning to make a search. During this part of the journey no previous halts were made and I was travelling in the back of the car and heard no sound of the kitbag falling or scraping the roof. Time of departure approximately 1900 hrs, time of first halt approximately 1645 hrs. Later that evening about 1900 hrs, Major Harvey mentioned to me that he had just remembered that his revolver was in the missing kitbag I told him to report the matter immediately on his return to AGO HQ and that a Court of Inquiry would have to be held.

29th September, 1944.

R.R. Griffe
R.R. GRIFFE. Col. G.S.

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