

National Defence

citizens of Canada that they do have some obligations towards the defence of their country.

In the division dealing with the organization of the army, I think there is a distinct change in the definition of the responsibilities placed on the chief of the general staff. In the past it was the responsibility of the chief of the general staff to co-ordinate the other branches of the staff, the adjutant general's branch, the quartermaster general's branch, and the master general of ordnance branch, but from what study I have given to this Bill No. 133 it would seem that the chief of the general staff is now to assume more the role of a chief of staff than of the co-ordinator of all branches of the staff.

Coming to the second division, the code of discipline has been made to apply to the servicemen of the three services. It is unnecessary to point out that a man in the service is also subject to civil law. Apparently the framers of Bill No. 133 have had considerable difficulty in adjusting the various codes of discipline of the three services, and unification of this division has not been as easy as perhaps it was hoped it would be. One notices that there are several sections which are applicable to naval personnel only. There is a general trend throughout this division to increase the powers of a commanding officer in summary trials. I imagine that has been done in order to conform with the disciplinary powers of a captain on a ship. I am not sure that on land it is either necessary or desirable to increase the summary powers of the commanding officer. It may be argued, however, that that will reduce the number of courts martial which have been held in the past.

I know quite well that during the early part of the last war a large number of courts martial were held. I am inclined to think that was more because the commanding officers did not apply the powers that they had, and I doubt very much whether it is necessary to increase those powers. I hope there will be no trend to increase the severity of military punishments, because over a number of years, 150 years and more, there has been a gradual tendency towards reducing the severity of military punishments which, first of all, were administered under the Mutiny Act, and then under the articles of war. It is less than 150 years ago that corporal punishment was abolished. Since then, step by step, the severity of military punishments has been reduced. One step was the introduction of detention as a substitute for imprisonment in the case of a purely military offence. Then there was a reduction in the

number of military offences which were punishable by death, and there was also a modification of field punishment.

One group of clauses in this act which I think will be welcomed are those which provide an opportunity of appeal from the ruling of courts martial. I am not sure that we could not have gone much further in that respect than has been done in Bill No. 133. The appeals from decisions of courts martial will be referred to a special board composed of judges and non-service personnel. Many crimes which are of a military nature are also crimes which are dealt with in civilian life by the ordinary courts of law. I am not certain that it might not have been desirable to have restricted the number of military crimes, so that there would have been only those crimes which are essentially of a military nature to be dealt with by courts martial. Service personnel could be sent to the civilian courts during peacetime in preference to courts martial. The members of a court martial are not always well versed in the law. They are not twelve good men and true drawn from the same status of life as the serviceman who appears as the prisoner.

Mr. Stick: They are usually fair-minded, though.

Mr. Pearkes: That is a debatable point, as to whether they are usually fair-minded, because they are always appointed by a senior authority. I have known cases in which instructions have been sent out to officers who might be sitting on courts martial in the near future, that their opportunities for promotion would be judged largely by their manner in insisting upon discipline and not showing any weakness in awarding punishment. I know it is a legend that a court martial is the fairest court of all; but there is grave doubt in my mind as to whether that is actually the case.

We now come to the last and final division, that of general provisions dealing with aid to the civil power and so forth. During the last few weeks we have been faced with an emergency in which the armed forces of the country have been playing a splendid part in helping the civilian authorities. A few years ago there were the floods in the Fraser valley. Today there are the floods in the Red river valley. Last week there were serious fires at Rimouski and other places. I wonder whether the sections dealing with aid to the civilian power should not now be made more all-embracing so that instead of dealing only with questions of riot, they might also deal with the allocation of authority in cases of fire and flood.