

February 7th, 1940.

ORGANIZATION - 1 (a).

With reference to your Minute of the 6th instant, under Rule 90 Appendix A to the Regulations governing the Maintenance of Discipline among and Treatment of Prisoners of War, the Proceedings of a Military Court are, after promulgation, required to be forwarded to the Judge Advocate-General in Ottawa for custody, the same to be preserved for not less than seven years.

I am, therefore, the legal custodian of said Proceedings, and have arranged that the Proceedings of Military Courts held for the trial of Prisoners of War shall be registered in a Special Register which is maintained in my Office under a procedure similar to that followed in the case of Courts Martial. Further, I have arranged that the Proceedings of these Courts shall be kept in the vault of the Central Registry in a manner similar to that followed in the case of Courts Martial, i.e., the Proceedings of each Court being placed on a False Pocket of the file dealing with the subject matter. If such Proceedings are required by any Officer or Branch, they can be obtained on a requisition passed to Central Registry through my Office, in order to enable an entry being made in my Records as to the person with whom for the time being these Proceedings are.

I have acknowledged receipt of these Proceedings.

With regard to the Petitions which each of these Prisoners has submitted, which will be found on the respective False Pockets, you will note that the District Officer Commanding, Military District No. 13, does not recommend any revision of the sentence. You might, however, think it desirable to obtain the views of the Director of Internment Operations.

As to the question raised in the Petitions that the sentence exceeds that authorized by law, I am of the opinion that there is no basis for this contention. The sentence was not a disciplinary punishment as mentioned in Section 2, Chapter 5 of the International Convention of 1929, Appendix B4