

MEMORANDUM

TO:

D. OF ADMIN.

DEPARTMENT OF NATIONAL DEFENCE,

H.Q.C.55-L-989 (JAG/D-2)

OTTAWA, November 4th, 1944.

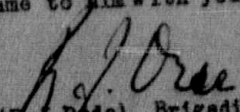
E.4451 Pte. Lariviere, M.

Reference letter of the marginally-named soldier, hereunder.

2. If the marginally-named soldier had undergone his sentence of Penal Servitude in a Military Prison in the United Kingdom pursuant to the provisions of Section 58, Army Act, he would have been entitled to earn, by good conduct, a remission of one-third of his sentence. However, since he has now been transferred to a penitentiary in Canada he thereby loses any legal right to any remission that he might have already earned by such good conduct. Despite this fact I am informed that an allowance is made therefor by the penitentiary authorities although they are not legally bound to do so. The remission which, by the penitentiary rules, the marginally-named soldier will now be permitted to earn by his good conduct is less than that which he could have earned in a Military Prison - Statutes of Canada 1939, Chapter 6, Section 69.

3. Although the rights of the soldier to earn remission by his good conduct are as set out above, further remission may be made at any time under the provisions of Section 57(2), Army Act. The granting of such remission is, of course, a matter of policy.

4. In view of the fact that the Minister may wish in his reply to deal with the matter from a policy as well as from a legal standpoint, I am passing the file to you in order that you may forward the same to him with your comments.

  
(E. J. Dede), Brigadier,  
Judge Advocate-General.

JHM/NEM