

MEMORANDUM

TO: The A.G.

H.Q.C. 55-B-527  
H.Q.C. 55-L-371 (VAG)  
H.Q.C. 55-F-167  
H.Q.C. 55-S-445

General Courts Martial


F.40091 Pte. Burke, G.  
E.4516 Pte. Labrecque, A.  
D.51082 Pte. Fleurant, M.  
D.51162 Pte. Sasseville, R.

OTTAWA, 5th December, 1942.

Reference your memoranda to the J.A.G. dated 3rd December, 1942, stating that the finding of the Court is concurred in, but asking the J.A.G. whether or not he considers the sentence appropriate - the J.A.G. points out that he considers that all he should be called upon to do is to pass upon the legality of the Court, but since he does not convene the Court and knows nothing of the facts, he is not competent to express an opinion as to whether the sentence is enough or too much. In fact, as Judge Advocate General, it would be inappropriate for him to do so.

2. In this regard, may I suggest that it is better to err on the side of giving too harsh a penalty in the way of detention than too light a one for the reason that the matter can always be reviewed later and remission or partial remission of sentence given if the circumstances warrant it, and I would suggest that in these cases, the preference would be to confirm the sentence in whole or substantially and direct that they be reviewed at a later date, say, in six months' time.

AKH/V

  
(A. E. Nash) Brigadier,  
Vice Adjutant-General.