

honourable senators to indicate how far we have progressed. In my several capacities I have seen something of the way in which military law works, and because of my own experience I wanted to see it improved.

Honourable senators will therefore appreciate that my concern with this subject is not merely incidental to my office. At every stage I felt it necessary to take a personal interest, and in addition to dealing with numerous points almost day to day, I worked completely through the drafts with the legal and service experts at four different stages.

When the whole matter has been thoroughly explored and examined, the bill was considered by a special subcommittee of the Cabinet, consisting of the government leader in the Senate, the Minister of Justice, the Solicitor General and myself. On several occasions the bill was considered by the Cabinet.

The result of this work is now before this house in the form of the eleventh complete draft. Despite the effort that has gone into its preparation, I do not wish to convey the impression that we consider the bill to be perfect. The government is open to any suggestions which you may make for improvement, and I assure you that such suggestions would be warmly welcomed. We desire to get the best possible bill, and so we invite the co-operation of every member in this honourable house, as well as of those in the other place.

This bill is not just a consolidation of existing legislation; on the contrary, it is a new piece of legislation, the main objects of which may be summarized as follows:

1. To include in one statute all legislation relating to the Department of National Defence and the Canadian forces.
2. To have a single code of service discipline so that sailors, soldiers and airmen will be subject to the same law.
3. To make all legislation applicable to service personnel, Canadian legislation.
4. To obtain uniformity in the administration of service justice.
5. To provide more efficient and expeditious means for the transaction of routine business.
6. To provide a right of appeal from the findings and sentences of courts-martial.
7. To establish the position and functions of the Chiefs of Staff.
8. To abolish as obsolete, provisions for levee en masse and enrolment by ballot.
9. To abolish field general courts-martial.
10. To provide for a new trial on the discovery of new evidence.
11. To authorize using active forces to meet a national disaster, such as a flood, and to permit the use of reserve forces for these purposes.

In this connection I only have to recall to honourable senators from every part of Canada, the manner in which the armed forces came to the assistance of the people of the Fraser Valley in British Columbia a year ago.

**Some Hon. Senators:** Hear, hear.

**Hon. Mr. Claxton:** Under the existing defence legislation those operations were carried out under provisions which, to say the least, were obscure. Yet we felt it was in the interest of Canadians as a whole, as well as the people of British Columbia and the Fraser Valley, that this assistance should have been given; and so from the armed forces there was the most magnificent demonstration of co-operation. This summer my own province of Quebec had forest fires, and while they did not approach the dimensions of a national disaster, they nevertheless threatened the lives and homes of hundreds of people. Once again we turned out the active forces, and we also got the willing support of the reserve forces. I am of the opinion that these two experiences have demonstrated that there is a gap, that there should be some provision whereby the men and officers of our armed forces could be used to meet national emergencies other than war. We think that such provision should apply under certain circumstances to either the active or reserve forces, so as to justify the use of the active force and the payment of the reserve force.

Honourable senators, I should mention in particular the code of service discipline which is part of the bill. Those of you who have had army experience will recall that you were regulated by sections 4 to 44 of the Army Act of Great Britain, which was incorporated by reference into the law of Canada. When I served in 1917-19 I did not think that this was the proper way to deal with Canadians—and I have not changed my opinion since. We should have a Canadian statute dealing with Canadian soldiers and airmen, just as we have for Canadian sailors. What is more, the same statute should deal with all three forces, so that a boy who is enlisted in the Navy from a Montreal home, and happens to run counter to military rules, will only be exposed to the same kind of punishment and treatment, and will have the same possibilities of appeal as a boy in the Air Force or the Army, who enlisted from the same house, as has often been the case. We must have equal treatment for all Canadians serving in our armed forces; and it must be Canadian treatment, imposed by Canadian courts which are authorized by and working under the authority of the Canadian Parliament.

**Some Hon. Senators:** Hear, hear.