

*North Atlantic Treaty*

forces. The effect of this section is to say that with respect to the property situated in Canada, in which there may be other interests as well, our courts are bound to recognize and to assume that the verdict of the foreign court was proper, although in fact there may have been some miscarriage of justice. In other words it seems to me the section goes a great deal further than merely avoiding interference with the proceedings of a foreign court because it gives effect in Canada to the verdict of the foreign court and does not enable us to question the propriety of the proceedings or the legality of the sentence.

I think it should certainly be reserved to those in Canada who may be affected by the verdict of what amounts to a foreign court to prove affirmatively that the verdict was somehow wrong and that therefore it cannot be given effect to with respect to interests in Canada. I am not referring to interests in a foreign country but only to interests in Canada.

**Mr. Campney:** I should like to call this fact to my hon. friend's attention with regard to the section. The section only deals with trials by service courts—that is criminal jurisdiction, practically—and not with civil rights or property or anything of that nature. The Visiting Forces (British Commonwealth) Act, which has been in effect since 1933, and therefore throughout the last war, has the same wording. Section 3, subsection 3, of that act says that for the purposes of any legal proceedings within Canada the court shall be deemed to have been properly constituted, and so on. The Visiting Forces (United States of America) Act of 1947 contains similar wording. In section 6, subsection 1, that act says that the court shall be deemed to have been properly constituted and its proceedings deemed to have been regularly conducted.

The only intention of this section of the bill is to adopt generally what has been established in one act which has been in effect for eighteen years and in another act which has been in effect for four or five years, and which seems to have worked very well. I am informed that no difficulties in the operation of either have been brought to the attention of the authorities. The intention is to apply the same section practically word for word to similar circumstances as affecting the associated nations. In that connection we must remember that in all probability—nobody can say with certainty—we will be the visiting forces much more often than we will be the receiving nation. I think this lack of interference in any country to which our forces may go is something rather to be desired from the point of view of our own forces.

**Mr. Fulton:** Let me point out to the parliamentary assistant that there are service offences for which men would be tried which might have consequences in Canada. Take, for instance, the case of a man accused of desertion from the armed forces of an associated state who come to Canada. He is tried in the service court of that associated state, found guilty by that court and branded as a deserter. As I understand the law at present that foreign country would have the right to demand the extradition of this person from Canada and the person in Canada would not be entitled to say: The proceedings in the court which found me a deserter are a nullity, which in fact they might have been. Therefore we would simply have to recognize that verdict and the man would have to be sent back. That is merely an example which occurs to me quickly, but I am sure similar types of situations can be multiplied. Therefore the effect of the verdict even of a service court may be of very great interest and concern to people who are in Canada.

**Mr. Campney:** In answer to the last observation of the hon. member, I think one must admit that cases could arise which would be cases of hardship, if you like. I am informed that in the operation of the other two statutes such cases have not arisen but they might arise. However, it seems to me that is a circumstance in which we cannot intervene. We are either going to let the other nation, whether its procedure is good, bad or indifferent or whether or not its justice is of the same high standard as ours, handle trials in disciplinary and criminal matters within its own forces or we are not. If we start to intervene by indirection or attempt to bring the matter before our courts, I am afraid we may get into more confusion than we think.

**Mr. Stick:** As I understand it, the National Defence Act now says that if a civilian employed by the military commits an offence within a military zone he is tried by a civilian court. Does that apply to civilians working on the United States bases in Newfoundland? We have a number of Newfoundlanders working with the Americans on United States bases. If one of them commits an offence within the confines of the base is he tried by the United States court or is he tried by the Newfoundland civil courts?

**Mr. Campney:** I am informed that as a result of the discussions which are going on regarding modification of the agreement to which my hon. friend referred, the civil courts will have jurisdiction; but it is one of the things still under discussion.

**Mr. Stick:** Even though the offence is committed within the confines of the United States base?