

the armed forces but are reducing the number of Canadian statutes, for the 251 clauses in the bill are intended to replace 598 sections in existing legislation.

It might be useful for me to trace briefly the development of the legislation dealing with the Canadian forces. The first Militia Act of Canada was passed in 1868, the year after confederation, as Chapter 40 of the Statutes of that year. The Act has been revised on a number of occasions, but there has been very little substantial change. The present Militia Act is Chapter 132 of the Revised Statutes of 1927. The antiquity of the measure may be appreciated when I recall that, until the passing of an amendment that I introduced in 1947, the Militia Act referred to pack animals but made no mention of aircraft.

The first Naval Service Act was passed in 1910, as Chapter 43 of the Statutes of that year. It remained in substantially the same form in which it was passed until 1944, when by Chapter 23 of the Statutes of that year a completely new Act was passed. That statute introduced the Canadian Naval Disciplinary Code. This was the first Canadian code to deal with one of the three armed services, and it has been used as the basis for drafting portions of the present bill. So it will be seen that in this respect the Canadianization of our armed forces started with the Navy.

The first legislation dealing specifically with the Air Force was the Air Board Act of 1919, Chapter 11 of the statutes of that year. In the 1927 revision of the statutes the title of that Act was changed to "The Aeronautics Act."

Under the three statutes mentioned, each of the Canadian forces was administered separately. The Department of Militia and Defence dealt with the Army, the Department of Naval Service with the Navy, and the Air Board with the Air Force. In 1922 the Department of National Defence Act was passed, creating a new department to deal with the three armed forces. This Act was Chapter 34 of the statutes of 1922, and came into force by proclamation on January 1, 1923. It represented the first step towards unified administration of the forces under one minister of the Crown.

The Department of National Defence Act had been amended on four different occasions. The principal amendment, made in 1940, provided for the appointment of additional ministers of National Defence.

The experience gained during the last war showed even more strongly than before the need for more unified control and greater uniformity. Moreover, in the case of the Army and the Air Force there was no Canadian disciplinary code similar to that

applying to the Navy, passed by parliament in 1944. The discipline of the Army and the Air Force was regulated by the Army Act and the Air Force Act of the United Kingdom, which were made applicable by section 69 of the Militia Act and section 11 of the Royal Canadian Air Force Act. The position and status of Canada make it desirable that there should be a Canadian disciplinary code, enacted by the Parliament of Canada, and that in the interests of unity it should be a single code, applicable to all the Canadian armed services. Accordingly, soon after becoming minister, I directed that work be commenced on the preparation of a single, all-embracing Canadian statute.

The bill now before you represents more than two years' study by officers of the Department of National Defence, the Navy, the Army and the Air Force, as well as by the Departments of Justice and Finance.

The governments of both the United Kingdom and the United States have also had under consideration a number of matters relating to the administration of service justice, with a view to bringing them more into line with present-day conditions, and affording to members of the forces who have been punished through disciplinary action, facilities for having their cases appealed or reviewed on principles similar to those prevailing under the Criminal Law.

In the United Kingdom a committee headed by the Honourable Mr. Justice Lewis studied the administration of service justice, particularly regarding appeals from courts martial. Some of the provisions of the present bill are along the lines of the recommendations made in the report of that committee, but other recommendations do not now appear to be applicable to Canadian circumstances. In the United States the Honourable James Forrestal, then Secretary of Defence—whose untimely death we all so much regret—established a committee to examine into and report upon the administration of service justice in the United States forces. Based upon the committee's report, comprehensive legislation was introduced in Congress this year.

These developments coincided with the study we were making here of much the same subjects. Accordingly, full advantage was taken to obtain all information possible from the United Kingdom and United States authorities regarding the measures they have introduced or intend to introduce. Last autumn, at my direction, the Judge Advocate-General, Brigadier R. J. Orde, C.B.E., proceeded to England and to the United States to supplement this information by personal inquiry on a number of important points.