

## Civil Courts Advocated For Trial of Military Men

I was very much interested in the article written by Col. Allan Cockram and the editorial comments thereon in the issue of The Globe and Mail of Feb. 26 last. During the demobilization year 1919 I prosecuted in the permanent military court set up for the purpose of hearing charges preferred against soldiers belonging to the regimental depots of five Canadian Provinces. Drawing on that experience and from reflection of the last 20 years as a practicing lawyer, I am of the opinion that whenever possible offenses alleged to have been committed by officers and other ranks in conjunction trial should take place in a civil court, where all ranks are equal and the trial judge is not fettered by the Army Act when considering the question of punishment in the event of an accused person being found guilty. A soldier, no matter what his rank may be, has the rights of a citizen, and owes a duty to good citizenship.

### The Quebec Court-Martial.

The offenses charged before the general court-martial held at Quebec between Nov. 25, 1942, and Jan. 8, 1943, against certain commissioned officers and other ranks could have been properly heard in a civil court in the Province of Quebec as a conspiracy involving bribery comes under the class of crime known in military law as felony.

The Army Act, which governs all His Majesty's soldiers no matter what part of the Empire they may be from, is a responsibility of the

British Parliament, and is simply adopted by the British Commonwealth of Nations. It has stood up well under most circumstances in different parts of the world; it is indeed reviewed and re-enacted each year; if it has weaknesses changes must be made by the British Parliament.

### Reprimands Not Serious.

It does seem ironical that a commissioned officer should receive a reprimand, and a soldier a prison sentence, which involves loss of pay, liberty and certain food restrictions, upon being found guilty of the same offense; under the Army Act rank, in effect, acts as a cushion against physical punishment, though to the career soldier an officer receiving a reprimand or a severe reprimand is under a great handicap when his name is being considered for promotion, but in an army which will be demobilized after the emergency it was created to face ceases to exist, a medical officer, for example, is not seriously affected by a severe reprimand, though he will until his last day wish he had not yielded to temptation and committed a traitorous act.

The conduct of those officers, especially whose acts sought to permit eligible young men to escape service in defense of their country, is something the nation should well be ashamed of, and is not likely to be followed by the medical men in this country.

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