

# W. P. McCLEMONT EXPLAINS RIGHTS OF MEN IN ARMY

Continue To Be Citizens,  
Lawyers' Club Is  
Informed

## OFFICERS ELECTED

"A man who joins the army does not cease to be a citizen," W. Porter McClemon, K.C., told members of the Hamilton Lawyers' club at their meeting in the Royal Con-



naught hotel last night. "He is liable to all the penalties of the criminal law, but in so far as civil rights are concerned, his position becomes somewhat different."

An interesting and comprehensive address was made by Mr. McClemon on the timely theme: Military Law in Relation to Civil Law. Robert F. Inch was elected president to succeed Harry S. Robinson, K.C. "A creditor may always sue a soldier for debt contracted either before or after enlistment," Mr. McClemon revealed, "but he cannot be arrested or compelled to appear before a court if the amount is under £30."

"A creditor can, of course, issue execution and could no doubt attach moneys, other than pay, due to the soldier. An officer or man is definitely unable to charge or assign his pay or his pension."

### Creditors May Be Present

"As a matter of practice," the lawyer said, "units of the C.A.S.F. are strongly opposed to having their members contract debts after enlistment which they are unable or unwilling to pay. As a result,

some of them have made a practice of suggesting to the creditor that he be on hand at the pay parade each week, and the soldier in question is told to give him something on account.

"The soldier would not have to

do so," McClemon observed pointedly, "but if he refused to follow the suggestion, he would no doubt be unpopular with his O.C."

A soldier, he continued, could, without any official approval, contract a valid marriage. Also he could make what is known as a soldier's will, to which witnesses are unnecessary.

"The mere signature of the soldier, or a letter by him purporting to be a will, or even a statement of what he desires to have done with his property, is sufficient, subject, of course, to proof that such statement was made. It also is an effective will, even though the soldier is under 21."

"Such a will is revoked by marriage, but continues in force until revoked in that way or by a subsequent will. Further, a friend of the soldier who might witness the will is not precluded thereby from taking benefit under it."

Soldiers have the same right to vote for members of parliament, Mr. McClemon said.

Should a person tried by a court-martial be not subject to military law, he pointed out, that person might bring action against those responsible.

### Heavy Damages

"In several of the older cases, injuries gave heavy damages in respect of corporal punishment improperly inflicted. One man in 1738 got £500 for 500 lashes. Another in 1793 recovered £600 for 1,000 lashes. Still another got £600 for 12 lashes too many, and so on."

"How some lived to sue shows the rigorous training they must have undergone," Mr. McClemon said.

With regard to pay regulations and allowances to families, the lawyer said: "What is known as a common law wife also receives a separation allowance, provided they have lived together for one year prior to enlistment, he has supported her, and she is not commonly regarded as a loose character."

### The Officers

With Mr. Inch chosen president, other officers were elected as follows: Vice-president, T. L. McCombs, K.C.; treasurer, Ralph Biggar; secretary, W. Bruce Duncan; executive committee, Walter Fraser, E. D. Hickey, Hugh Brown and H. S. Robinson, K.C.