

REPORT
OF THE DEPARTMENT OF
NATIONAL DEFENCE
CANADA
FOR THE
FISCAL YEAR ENDING MARCH 31
1941



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1941

54-41 (1941)
1/4 610-5-40

(2) Printing and Stationery

There was considerable increase in the work of this Branch which serves the Naval, Army and Air Services of the Department.

Previous to the declaration of hostilities this work was carried on by a permanent staff of 18 with 2 temporary messengers; on the outbreak of war the work greatly increased. In 1939-40 the demands placed for stationery numbered 9,398 and in 1940-41 this number was 15,900. In printing, demands placed in 1939-40 were 3,149 requisitions and in 1940-41 the number had increased to 5,500.

This staff has been increased by 40 junior grade clerical employees, and a number of labourers for shipping, storage and packing.

(3) Central Correspondence Registries

During the fiscal year, the Air Force Registry was transferred to Air Force Control.

The following report applies equally to the Navy and Army registries which although operated in separate locations, are equally available to both Services.

The volume of work continued to increase, and it was necessary to obtain additional clerical help. The clerks engaged were in the lower grades, and the increase in staff was not out of proportion in relation to the increased work load.

Steps were taken during the year to obtain expert advice, and with this assistance to set up an organization in each registry which will ensure the maximum efficiency being obtained in the conduct of the work. This operation is not concluded, but it is confidently anticipated that good results will be obtained.

REPORT OF THE DIRECTOR OF CONTRACTS

The Contracts Branch, as it presently exists, is responsible for the checking, certification and passing for payment of invoices and claims covering supplies and equipment ordered by the Department of Munitions and Supply, and, in addition, carries out a number of other duties which were not taken over by that Department.

During the fiscal year under review, there were recommended for payment 213,655 invoices in respect of orders placed by the Department of Munitions and Supply payable directly through the Branch. Some 40,315 invoices covering goods ordered locally in the different districts were scrutinized and recommended for payment. Claims received from the High Commissioner for Canada covering goods ordered through the Admiralty, War Office and Air Ministry totalled 5,210. In addition, 4,966 claims for payment covering construction projects were examined and passed to the Treasury Office for payment.

The Contracts Branch cleared through Customs 2,711 entries covering goods delivered to the three branches of the service at Ottawa. The total amount paid in duty and taxes amounted to \$2,077,745.71.

JUDGE ADVOCATE-GENERAL

Courts Martial

During the year 1940-41 four hundred and seventeen (417) District Courts-Martial were held for the trial of personnel of the Canadian Army on active service in Canada, i.e. —

Warrant Officers (Class II)	5
Non-Commissioned Officers	26
Private Soldiers	386
Total	417

The results of such trials were as follows: —

Acquittals	25
Findings not confirmed	5
Courts quashed	11
Convictions	376
Total	417

During the same period one (1) General Court-Martial, which resulted in a conviction, was held for the trial of an officer of the Canadian Army.

During the same period nine (9) District Courts-Martial were held for the trial of non-commissioned officers and aircraftmen of the Royal Canadian Air Force on active service. These resulted in eight (8) convictions and one (1) acquittal in the case of an airman. Four (4) General Courts-Martial were also held for the trial of officers of the Royal Canadian Air Force on active service and such trials resulted in three (3) convictions and one (1) acquittal.

Having regard to the lack of experience in Court-Martial duty of the majority of the members of these Courts, the proceedings on the whole reflect considerable credit on the personnel detailed for this responsible and important duty.

No Courts-Martial were held for the trial of any officer or rating of the Royal Canadian Navy.

Military Courts

During the year 1940-41 four (4) Military Courts, which all resulted in convictions, were held for the trial of escaped Prisoners of War.

Committees, Boards and Courts of Inquiry

The number of proceedings of Boards, Committees and Courts of Inquiry submitted during the year for review and advice was far in excess of those submitted in any previous year. In several important investigations and Courts of Inquiry which have been held during the period indicated this office has been called upon to furnish a legal officer either to conduct such investigation or to advise the Court on matters of procedure.

Accidents—Army Vehicles

During the year 1940-41, 855 claims which arose out of accidents involving Army and private vehicles were received for review and consideration. The total amount paid to private parties in settlement of their respective claims against the Crown during this period was \$7,956.85, while during the same period \$7,546.03 was received in settlement of claims made by the Crown against private parties. Included in the foregoing amounts are the settlement of

36 claims against the Crown and 10 claims against private parties, which were outstanding on April 1, 1940. In 128 cases, no claim was made against the Crown, and in 125 cases, liability was denied in respect of claims preferred against the Crown by private parties while in 19 cases the Crown abandoned its claim against the private parties involved. In 20 of the foregoing cases, the drivers of the respective army vehicles involved, having been adjudged guilty of negligence, made good damage to the amount of \$610.28. On March 31, 1941, 389 cases were still under investigation or pending settlement.

Accidents—Air Force Vehicles

In the same period 130 claims which arose out of accidents involving Air Force and private vehicles were received for review and consideration. The total amount paid to private parties in settlement of their respective claims against the Crown during this period was \$1,113.08, while \$4,153.63 was received in settlement of claims made against private parties by the Crown. Included in the foregoing amounts are the settlement of 9 claims against the Crown, and 4 claims against private parties, which were outstanding on April 1, 1940. In 26 cases no claim was made against the Crown, and in 10 cases the Crown denied liability in respect of claims preferred against it by the private parties involved. In 10 cases, the Crown abandoned its claim against the respective private parties concerned. In 1 of the foregoing cases, the driver of the Air Force vehicle involved, having been adjudged guilty of negligence, made good damage amounting to \$25. On March 31, 1941, 61 cases were still under investigation or pending settlement.

Real Property

During the year 1940-41 approximately four hundred and twenty-five (425) leases were prepared in connection with the procuring of property, other than office accommodation, which the Department of National Defence required for its various purposes. This special work was in addition to the usual number of grazing permits, licences of occupation and like documents which were dealt with in the daily office routine.

In connection with the expropriation of several apartment properties negotiations and settlements with the dispossessed tenants were carried out completely by this office. All claims made in connection therewith have now been settled and releases have been obtained from each of the claimants.

Ships—Requisitioning and Building of

The requisitioning of ships required by the Naval Service for its special purposes and the preparation of a standard form for ship building contracts involved many legal factors for which no precedents existed and considerable time had to be spent in finding satisfactory solutions to these complex problems. Further, constant liaison is maintained with the Department of Munitions and Supply and the Engineers-in-Chief and Inspection Branch at Naval Service Headquarters in matters relating to the taking over of ships from the several contractors.

British Commonwealth Air Training Plan and Royal Air Force Schools, etc.

The numerous and novel legal problems involved in the operation of the British Commonwealth Air Training Plan and the Royal Air Force Schools moved to Canada added to the volume of work performed by the legal officers engaged thereon. Many legal questions regarding the status, while present in Canada, of members of the Air Forces from the United Kingdom and other

Dominions and of Nationals of other Countries who are training in Canada were also referred to and dealt with by the Judge Advocate-General's office. The amount of this work was both heavy and intricate requiring the closest collaboration with the responsible officers of the branch of the Service concerned, the Department of Justice and such other Government Department as might be affected by the decision given on the particular matter under consideration.

Regulation, Orders in Council, Etc.

As a result of requests for advice in the drafting and preparation of various sets of Regulations, including those issued under the authority of The National Resources (Mobilization) Act, 1940, in connection with the calling up of special classes of the Army to perform training and their attendance at Camps of Instruction in connection with such training, considerable time was expended in devising the most appropriate method of expressing the exact intention of such Regulations.

All Orders in Council initiated by the Department of National Defence, issued under the War Measures Act, continue to be prepared and drafted in this office and, in pursuance of the instructions issued, all Submissions to the Governor in Council are reviewed for correctness as to form before the same are forwarded to the Minister for his signature. During the period under review approximately 600 such Submissions were thus reviewed.

The Judge Advocate-General also acts as Chairman for the Orders Committee of the Naval, Army and Air Forces respectively, which reviews as to form all amendments to Regulations and General Orders affecting these Services issued either under the authority of the Governor in Council or of the Minister of the respective Service.

Pensions and Claims

The Judge Advocate-General, as President of the Pensions and Claims Board, is responsible for the submission of all claims for Service Pensions granted under the provisions of the Militia Pension Act. Due to complications arising through the appointment to or enlistment of pensioners in the Active Forces during the present emergency, an appreciable amount has been added to the routine work of the office.

General

Since the commencement of the War the demand for the services of legal officers to serve as Judge Advocates at Courts-Martial or as members of various Boards and Committees has added a further strain on the personnel of this office. There has been an abnormal increase in the amount of routine work as a result of Active Service conditions and the volume of such work grows with the passage of time. Requests for advice and personal interviews make further demands on the time of the respective Naval, Army and Air Force officers performing legal duties in the office.

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Q-42 (5645)
Q. 550-5-50

(7) Accounts and Finance Staff

The appointment of "Air Member for Accounts and Finance" was created by Order in Council dated December 11, 1941. The new division, which replaced the Directorate of Accounts, was formed with effect from the same date.

The Air Member for Accounts and Finance is the service authority in regard to all financial matters. He maintains liaison directly with the Financial Superintendent to ensure that the Deputy Minister's office is kept fully informed on all financial matters which concern the Treasury Department or the Auditor General.

Accounting for Royal Air Force schools in Canada and for the pay, allowances, etc., of R.A.F. personnel undergoing aircrew training in the United States is performed almost entirely by R.A.F. personnel, and is administered by the Air Member for Accounts and Finance through R.A.F. accountants located at Air Force Headquarters, at certain of the command headquarters, and in the United States.

(8) Organization Staff

The appointment of an Air Member for Organization was authorized by Order in Council dated March 9, 1942.

The Organization Division is composed of the directorates of Organization, Staff Duties, and Works and Buildings, and the Air Force Headquarters Administrative Unit (under the Camp Commandant), all of which were formerly under the jurisdiction of the Deputy Chief of the Air Staff.

The duties of the division include co-ordination of activities directed and controlled by divisions, and advice on general policy, plans and organization.

(a) Directorate of Organization

The Directorate of Organization is charged with the co-ordination of organization matters, the development and formation of all R.C.A.F. units and the preparation and issue of establishments.

With the formation of new squadrons overseas, manned by R.C.A.F. personnel, there has been a considerable increase in the Overseas establishment. The Home War establishment has also been greatly increased, new stations manned by squadrons of the R.C.A.F. having been opened on both the east and west coasts.

All units originally planned for the B.C.A.T.P. are now in operation, together with a number of R.A.F. schools which have been transferred to Canada.

In September, 1941, the Canadian Women's Auxiliary Air Force was formed to provide female personnel for certain non-combatant duties, in order to release airmen for aircrew or other more active duties. The Canadian Women's Auxiliary Air Force was later re-named the "Royal Canadian Air Force (Women's Division)".

As a result of a decision that a considerable number of physically fit airmen could be released from non-combatant positions by the further employment of civilians, establishments for all schools have been revised on a partial civilian basis.

(b) Directorate of Works and Buildings

The Directorate of Works and Buildings is charged with the supervision and control of all works and buildings projects in the R.C.A.F.

The construction and expansion programme has continued with unsemiting vigour and during the year the construction of a total of 1,218 buildings of various types was completed.

The programme for construction of complete new schools or units is gradually reaching fulfilment and of these, 28 were added during the year.

The increasing accommodation requirements of personnel and equipment have been met not only by construction of new units but also by the expansion of existing schools.

After two years and more of service, with a constantly changing personnel, the maintenance of buildings and services becomes a problem of major importance.

As the year advanced and certain materials became more difficult, or impossible, to secure, it was necessary to change methods of construction and devise various ways and means of replacing these items.

Construction has, in practically every case, been up to schedule, and as the year closed plans had been prepared and contracts were being negotiated for 19 new projects.

(c) Directorate of Staff Duties

The Directorate of Staff Duties is responsible for the preparation of reports; editing, promulgation and distribution of general, routine, administrative and technical equipment orders; review of all publications, reports and returns; revision of procedure; preparation of replies to parliamentary enquiries, and maintenance of the historical records of the R.C.A.F.

During the year, through the R.C.A.F. Forms Committee, a thorough survey of all printed forms, reports and returns was carried out with a view to reducing as far as practicable their number and variety. Substantial economies in printing and paper requirements have been effected.

(d) Camp Commandant

The Camp Commandant is the Commanding Officer of Air Force Headquarters Administrative Unit, and as such, is responsible for the administration and supply of necessary services to the personnel at Air Force Headquarters.

In addition, the Camp Commandant acts as liaison officer between the R.C.A.F. and the Department of Public Works and the Civil Service Commission in the control of civilian personnel at Air Force Headquarters.

JUDGE ADVOCATE-GENERAL

COURTS-MARTIAL

During the year 1941-42 the under-mentioned Courts-Martial were held for the trial of personnel of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force on active service in Canada and Newfoundland, including personnel attached to or serving in combination with the said Forces.

(a) Royal Canadian Navy

Naval Courts—(Officers)	9
Naval Courts—(Ratings)	1
	<hr/> 10

Ten convictions resulted from the foregoing Courts.

(b) Canadian Army

District Courts-Martial (other ranks)	966
General Courts-Martial (Officers)	10
	<hr/> 976

As a result of these Courts-Martial there were in the case of other ranks 892 convictions, 48 acquittals and 7 cases of non-confirmation of the Findings of the respective Courts, while on the advice of the Judge Advocate-General, after review, 19 of such Courts were quashed. With respect to the trials of officers by General Courts-Martial 6 convictions and 4 acquittals resulted therefrom.

NATIONAL DEFENCE

(c) Royal Canadian Air Force

District Courts-Martial—(Airmen)	75
Field General Courts-Martial—(Airmen)	3
General Courts-Martial—(Officers)	17
	95

There were 67 convictions and 6 acquittals as a result of the trials of airmen by District Courts-Martial and Field General Courts-Martial. Non-confirmation of the finding of the court arose in one case, and on the advice of the Judge Advocate-General, after review, one court was quashed. The trials of officers, by General Courts-Martial, resulted in 16 convictions and 1 acquittal.

(d) Royal Air Force

District Courts-Martial (Airmen)	30
General Courts-Martial (Officers)	2
	32

The result of trials of airmen by District Courts-Martial was that 27 were convicted and 3 were acquitted, while with respect to the trial of officers by General Courts-Martial 1 was convicted while in the second case the findings of the court were not confirmed.

RECAPITULATION

	Courts Held	Acquittals	Non-Confirmation	Courts Quashed	Convictions
Naval Courts.....	10				10
D.C.'s M.....	1,071	57	8	20	885
F.G.C.'s M.....	3				3
G.C.'s M.....	29	5	1		23
	1,113	62	9	20	1,022

ACCIDENTS

During the period under review a total of 3,017 claims arose out of accidents in which Government motor vehicles and private motor vehicles were involved and accidents to aircraft in which claims for damage to private property arose. All these claims were reviewed and considered in this office.

Due to the large number of claims received during the summer of 1941 arising out of accidents as described above, it became apparent that some modification of the procedure laid down by Order in Council P.C. 80/1045 dated March 19, 1940, was necessary in order to expedite the settlement of such claims.

Accordingly, by Order in Council P.C. 59/7305, September 17, 1941, a new procedure was approved, the effect of which was to enable claims involving not more than \$200 arising out of motor vehicle accidents being dealt with wholly by the Department of National Defence. It also enabled investigation of such claims being carried out in a speedier and simpler fashion than was heretofore the case. Approximately 90 per cent of claims are now dealt with under this new procedure.

Accidents—Royal Canadian Naval Vehicles

Fifty-six claims which arose out of accidents in which Royal Canadian Naval motor vehicles and private parties were involved were reviewed and considered. The total amount paid to private parties in settlement of their respective claims against the Crown in respect of such accidents was \$220.45.

REPORT OF THE DEPUTY MINISTER

while in the same period \$299.37 was received in settlement of claims made by the Crown against private parties. In 8 cases no claim was made against the Crown and in 10 cases liability was denied in respect of claims preferred against the Crown by private parties while in 7 cases the Crown abandoned its claim against the private parties involved. In 2 of the foregoing cases the drivers of the respective Naval vehicles involved made good damage to the amount of \$23.70. On March 31, 1942, 14 cases were still under investigation and action was being taken by the Department of Justice for the collection of 3 claims made by the Crown against private parties.

Accidents—Canadian Army Vehicles

The number of claims arising out of accidents involving army motor vehicles and private parties received and considered was 2,315. This number includes 553 claims arising out of accidents which occurred prior to April 1, 1941, but which on that date were either pending settlement or had not, at that time, been received in this office for review and consideration. The total amount paid to private parties in settlement of their respective claims against the Crown during this period was \$39,661.18, while in the same period \$14,383.40 was received in settlement of claims made by the Crown against private parties. Included in the foregoing amounts are the settlements of 226 claims against the Crown and 75 claims against private parties which were outstanding on April 1, 1941. In 275 cases no claim was made against the Crown and in 387 cases liability was denied in respect of claims preferred against the Crown by private parties, while in 98 cases the Crown abandoned its claim against the private parties involved. In 119 of the foregoing cases the drivers of the respective army vehicles made good damage to the amount of \$3,037.88. On March 31, 1942, 831 cases were still under investigation or pending settlement.

Accidents—Royal Canadian Air Force Vehicles

The number of claims arising out of accidents involving Air Force motor vehicles and private parties received and considered was 524. This number includes 131 claims arising out of accidents which occurred prior to April 1, 1941, but which on that date were either pending settlement or had not at that time been received in this office for review and consideration. The total amount paid to private parties in settlement of their respective claims against the Crown during this period was \$4,887.09, while in the same period \$4,322.89 was received in settlement of claims made by the Crown against private parties. Included in the foregoing amounts are the settlements of 41 claims against the Crown and 14 claims against private parties which were outstanding on April 1, 1940. In 109 cases no claim was made against the Crown and in 51 cases liability was denied in respect of claims preferred against the Crown by private parties while in 33 cases the Crown abandoned its claim against the private parties involved. In 15 of the foregoing cases the drivers of the respective Air Force vehicles involved made good the damage to the amount of \$374.34. On March 31, 1942, 218 cases were still under investigation or pending settlement.

Accidents—Aircraft

During the period April 1, 1941, to March 31, 1942, 121 claims in respect of damage to private property arising out of aircraft accidents were dealt with. Of these 107 related to Royal Canadian Air Force aircraft and 14 to Royal Air Force aircraft operating in Canada. Cases involving the latter class of aircraft are dealt with under arrangements made by the Department with the United Kingdom Air Ministry.

NATIONAL DEFENCE

LEASES

During the year 1941-1942 some 332 agreements, as indicated in the following table, were prepared and completed in connection with the procuring of property other than office accommodation, which the three Services of this Department required for their various purposes:—

	Navy	Army	Air Force	Total
Buildings	17	216	44	277
Land	3	40	12	55
Total	20	256	56	332

The preparation of such leases and agreements includes verification of the Crown's authority to deal with the subject matter in each case, the drafting of the necessary agreements; correspondence and negotiations with the Lessors, and conferences with the different branches of the Services involved. The laws of the different Provinces regarding any problem which might arise in the said agreements, have also to be examined and considered in connection with such agreements. A further problem during the latter part of the said period under review was the effect of the regulations of the Wartime Prices Board respecting maximum rentals and in each case such regulations had to be given consideration in order to prevent any contravention thereof. Each type of agreement entails its own special problems involving nature and location of the property and the status of the lessor. In each case, also, the provisions of Order in Council P.C. 3556 dated November 9, 1939, which regulates the taking over of necessary accommodation by the respective services had to be implicitly followed. In a large number of cases it was necessary to give advice to the Branch concerned with respect to the drafting of the required Order in Council, the preparation of which usually necessitated the examination of a substantial number of documents. In addition to the above formal leases some 200 incidental agreements, dealing with the supply and furnishing of water, light, heating and other kindred matters were prepared.

During the period under review a number of expropriations were carried out by the Crown which involved a considerable expenditure of time in the preparation of the necessary references.

SHIP REQUISITIONING

During the period under review there has been a considerable increase in the number of ships requisitioned and a satisfactory formula to be used by the Advisory Board when determining the amount of charter hire to be paid in respect of vessels requisitioned by the Department of National Defence for Naval Services has now been adopted. The preparation of such a formula was the subject of several conferences and after its adoption advice was given to the Director of Marine Services as to its operation.

Two cases are pending before the Exchequer Court regarding the amount of compensation to be paid in respect of two ships taken over by the said Department and in both of these cases the reference to the Department of Justice was prepared in this office.

SHIP COLLISIONS

There have been approximately twenty-five ship collisions in the past nine months which this office has dealt with, necessitating references to the Department of Justice for opinions as to the liability of the Crown.

REPORT OF THE DEPUTY MINISTER

THE MERCHANT SEAMEN ORDER, 1941

Early in 1941 due to the existing conditions affecting shipping across the Atlantic and Pacific Oceans, the adoption of a comprehensive policy, which would avoid delays in the departure of merchant ships from Canadian ports which might be caused through difficulties pertaining to the crews thereof became apparent and on the joint recommendation of the Minister of Justice and the Minister of National Defence for Naval Services, an Order entitled "The Merchant Seamen Order, 1941," was, under the provisions of the War Measures Act, made and approved by Order in Council P.C. 2385 dated April 4, 1941, for the purpose of carrying into effect a policy which would effectively overcome any difficulties encountered with respect to such crews. The responsibility for the administration of the said Order was vested in the Minister of National Defence for Naval Services and this office was made responsible for the preparation of the necessary regulations and instructions to give effect to such Order.

A considerable number of meetings and conferences, which were attended by representatives of the various Departments in the Government interested, were held before a satisfactory procedure to cover this entirely new situation was evolved.

During the period June, 1941, to March 31, 1942, approximately 526 seamen were dealt with under the provisions of the said order for various infractions of the regulations made thereunder.

BRITISH COMMONWEALTH AIR TRAINING PLAN

The operation of the British Commonwealth Air Training Plan and the Royal Air Force schools continues to provide many new and intricate legal problems. The solution of these problems necessitates considerable research and adds appreciably to the volume of work performed by the legal officers engaged thereon. As such solutions may establish precedents to be used in the disposal of future cases, all the implications involved in the ruling laid down had to be given due consideration. The work throughout required very close collaboration with the responsible officers of the branches of the service concerned, the officers of the Department of Justice and all such other Government Departments as might be affected by the final decision.

COMMITTEES, BOARDS, AND COURTS OF INQUIRY

The number of proceedings of Committees, Boards, and Courts of Inquiry submitted during the year for review and advice was again considerably in excess of those received in any previous year, and as in the preceding year, this office was again called upon in the more important investigations and Courts of Inquiry which have been held in the period under review, to furnish a legal officer either to conduct such investigation or to advise the court on matters of procedure.

REGULATIONS, ORDERS IN COUNCIL, ETC.

As a result of the requests for advice in the drafting and preparation of various Acts of Regulations, amendments thereto, and Orders in Council covering special subjects, a considerable amount of time is expended each day in preparing drafts, frequently in consultation with officers of other branches of the service which express the precise intention of the proposed regulations, amendments or orders.

All Orders in Council initiated by the Department of National Defence, issued under the War Measures Act, continue to be prepared and drafted in this office and, in pursuance of the instruction issued, all submissions to the Governor in Council are reviewed for correctness as to form before the same are forwarded to the Minister for his signature. During the period under review approximately 200 such submissions were thus reviewed.

The Judge Advocate-General also acts as chairman of the Orders Committee of the Naval, Army and Air Force respectively, which reviews as to form all amendments to Regulations and General Orders affecting these services issued either under the authority of the Governor in Council or of the Minister of the respective service.

PENSIONS AND CLAIMS

The Judge Advocate-General, as president of the Pensions and Claims Board, is responsible for the submission of all claims for service pensions granted under the provisions of the Militia Pension Act. The appointment to or re-enlistment of pensioners in the Active Force during the present emergency adds considerably to the routine work of the board.

GENERAL

Since the commencement of the war the demand for the services of legal officers to serve as Judge Advocates at Courts-Martial or as members of various boards and committees, has added a further strain on the personnel of this office. The abnormal increase in the amount of routine work as a result of active service conditions continues unabated.

DEPENDENTS' ALLOWANCE BOARD

GENERAL

The Dependents' Allowance Board is charged with the administration of the Financial Regulations and Instructions covering the payment of allowances to Dependents of members of the Forces, the main purpose of which is to promote the well-being and efficiency of His Majesty's Forces by relieving financial anxieties with respect to the domestic welfare of their Dependents and the Board of seven is so constituted that the interests of servicemen are ensured of sympathetic consideration.

The Board of seven is made up of two officers seconded from the Army (one of whom is a French Canadian), two from the Royal Canadian Air Force, one from the Navy, a Representative of the Treasury, and a Chairman designated by the Minister of National Defence, at present a civilian with experience in the last war. The allowances of all three Services are administered by the Board with the exception of marriage allowances for wives and children of members of the Royal Canadian Navy which are administered by the Superintendent of Naval Pay Accounting. All other dependents of the Navy are handled by the Board. The Board is housed in the fireproof Records Building near the Dominion Experimental Farm and Board Members are in their offices from nine to five or later passing on the hundreds of cases which come up for various decisions each day. The Full Board meets three times a week.

With the expansion of the Armed Forces the work of the Board has increased proportionately, entailing an increase in staff which now numbers 375 Civil Servants (with 600 in the Treasury Branch attached). This staff has willingly performed many hours of overtime without extra pay to meet the demands made upon it.

Due to changing conditions and based on experience gained since the outbreak of war, the Board found it necessary to submit recommendations during the year for the amendment of certain of the Dependents Allowance Regulations which were approved. The principal changes in the Regulations make provision for the third and fourth children of ranks below that of Warrant Officer I; continuation of an allowance to the age of nineteen for a son or daughter who is making satisfactory progress in High School or other course of instruction approved by the Board; provision for an allowance for the female

relative in charge of the home when the wife is absent due to mental or physical incapacity or has abandoned her responsibilities; increased exemption of the income of a mother of a member of the forces; a supplementary allowance up to \$5.00 a month provided for mothers of ranks below that of Warrant Officer I in cases of need; provision for an allowance on account of a dependent brother or sister who is totally incapacitated. The rounding out of allowances on the basis mentioned above has eased the situation very noticeably throughout the Country but in order to make certain that all cases of hardship would be taken care of a separate organization was set up by the Government; namely, the Dependents' Board of Trustees, with power to appoint Regional Committees throughout the Country which would make supplementary grants of allowances when need is shown. It is understood that the principal calls on their service to date have been for hospitalization, doctor bills, funeral expenses, large families, etc.

INVESTIGATIONS

Owing to the necessity of investigation in all cases other than legal wives and children living in normal domestic relationship the Board has used the facilities of the Department of Pensions and National Health and the Soldier Settlement Board, the Old Age Pension Commission, and Welfare Services. During the year arrangements were made to have all investigation reports sent to us direct and arrangements were also made to write District Investigators direct from this office instead of through the Department of Pensions and National Health and the Director of Soldier Settlement as under previous arrangements. The new arrangement is working out satisfactorily and though the volume of investigations has grown rapidly, every effort is made to keep down requests for re-investigations in order to conserve gasoline and rubber.

FAMILY WELFARE SECTION

This section, headed by Miss Ruth Harvey, a graduate of Columbia University and Montreal School of Social Work, with Bachelor of Science degree, has grown steadily owing to the necessity of the administration of allowances in 982 accounts. Administration is only arranged when absolutely necessary and is generally at the request of the serviceman. His Dependent through infirmity may not be able to cash cheques or spend them or it may be necessary to forward the allowance for children to a third party if the wife has deserted her domestic responsibilities. A request may come from the wife if she finds her business affairs becoming involved or again it may be necessary for a short time if she has to enter hospital or leave home temporarily. There is also the administration of allowances in satisfaction of court orders, etc. The closest co-operation is maintained with the Welfare Agencies throughout the Country whose facilities are used whenever possible.

PUBLICITY

During the year a poster setting out the Financial Regulations and Instructions governing Dependents Allowances in easily understandable form for the information of prospective recruits will be posted in English and French in recruiting and post offices throughout the Country and a new booklet of the Dependents Allowance and Assigned Pay Regulations has been printed for general distribution bringing the Regulations up to date with amendments.

NATIONAL DEFENCE

STATEMENT No. 6.- COMPARATIVE STATEMENT OF REVENUE, ARMY, NAVY, AIR AND OTHER SERVICES FOR TEN YEARS
FROM 1932-33 TO 1941-42

Services	1932-33	1933-34	1934-35	1935-36	1936-37	1937-38	1938-39	1939-40	1940-41	1941-42
ARMY SERVICES										
Casual Revenue	80,116	28,961	37,841	34,061	36,302	68,408	34,545	109,595	54,233	1,554,022
Royal Military College	20,116	20,317	20,044	19,616	20,012	20,100	20,000	14,040	14,599	8,000
Pension Act, 1901	132,896	130,512	137,173	137,563	142,466	146,149	151,689	155,327	178,630	184,619
Fines and forfeitures	71	70	13	29	15	3	3	15	10	384
Bank interest	37	12	5	79	4	15	4	2	2,089	10
Premium, discount, exchange		8					16	3	301,461	9,461,754
Conscience money										
Special War Revenue	213,236	178,186	195,076	191,348	198,818	234,675	206,659	273,903	551,072	11,209,389
NAVY SERVICES										
Casual Revenue	2,385	4,704	2,742	3,174	3,103	14,247	25,268	13,571	7,096	10,329
Pension Act, 1901	14,005	14,260	14,955	15,560	16,256	17,147	18,612	20,702	27,471	21,480
Premiums, discount, exchange	1	1				6			47,899	1,775,468
Special War Revenue	16,391	18,965	17,697	18,734	19,359	31,400	43,880	34,273	82,466	1,807,288
AIR SERVICES										
Casual Revenue	13,437	14,429	14,278	12,368	40,411	16,689	81,337	27,439	16,503	2,691
Pension Act, 1901	19,512	20,135	21,066	25,286	27,774	30,864	38,930	57,408	97,277	82,670
Fines and forfeitures	295	49	175	85	80					
Premiums, discount, exchange and bank interest	11	49	1		1				49	23
Special War Revenue									1,037,944	2,439,069
N.W.T. RADIO SERVICES										
Wireless Station (receipts)	33,255	34,653	36,120	37,739	68,266	47,533	120,267	84,842	1,151,773	2,324,453
UNEMPLOYMENT RELIEF										
Casual Revenue	19,645	25,676	28,620	23,645	27,690	37,614	41,611	30,214	27,999	29,946
GRAND TOTAL										
	262,627	257,480	289,934	276,960	334,608	353,057	412,475	428,322	1,809,310	15,571,076

REPORT

OF THE DEPARTMENT OF

NATIONAL DEFENCE

CANADA

FOR THE

FISCAL YEAR ENDING MARCH 31

1943



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1943

400-10-43 (2525)
H.Q. 650-5-52
93044-1

8. Service Educational Courses

An educational staff has been organized throughout the R.C.A.F. to give instruction in mathematics and science to airmen who desire to remuster to aircrew, to supervise auxiliary educational correspondence courses and other courses, arrange study groups for subjects outside the training curricula, provide educational films and organize and supervise libraries, etc.

9. Nutritional Laboratories

Four nutritional laboratories, for the determination of the nutritional value of food as served to R.C.A.F. personnel, were opened in October, 1942. No. 1 R.C.A.F. Test Kitchen (Guelph, Ont.) was opened in January, 1943, for experiments in improved methods of food preparation and testing food products as to suitability for service use.

10. Aircrew Badges

A new single-ring badge for all aircrew other than pilot was introduced. The initial of the aircrew category is inscribed in the centre and the letters "R.C.A.F." are incorporated in the laurel wreath.

11. R.C.A.F. General Badge

The design of the Royal Canadian Air Force crest was approved and signed by His Majesty the King in January, 1943. Its description is as follows: "In front of a circle inscribed with the motto 'Per Ardua ad Astra' and ensigned with the Imperial Crown an Eagle volante affronté, the head to the sinister. Beneath the whole, upon a scroll, the words 'Royal Canadian Air Force'."

12. Honours and Awards

The most recently available list of decorations awarded to Canadians in the air services during the present war includes the following:

Canadians in the R.C.A.F.

George Cross	1
Companion of the Order of the Bath	2
Commander of the Order of the British Empire	2
Officer of the Order of the British Empire	4
Member of the Order of the British Empire	4
Companion of the Distinguished Service Order	4
Bar to the Distinguished Flying Cross	16
Distinguished Flying Cross	280
Air Force Cross	47
Associate of the Royal Red Cross	2
Conspicuous Gallantry Medal	2
George Medal	5
Distinguished Flying Medal	172
Air Force Medal	24
British Empire Medal	53
Mentioned in Despatches	100
Commendation	26
Distinguished Flying Cross (U.S.A.)	1
Amy Air Medal (U.S.A.)	1
Military Cross (Czech)	5
Medal for Valour (Czech)	1

Canadians (direct entry) in the R.A.F.

George Cross	1
Companion of the Order of the Bath	2
Officer of the Order of the British Empire	2
Member of the Order of the British Empire	5
Companion of the Distinguished Service Order	5
Distinguished Service Cross	1
Bar to the Distinguished Flying Cross	135
Distinguished Flying Cross	11
Air Force Cross	1
George Medal	1
Bar to the Distinguished Flying Medal	1
Distinguished Flying Medal	20
Air Force Medal	1
Mentioned in Despatches	25
Vertuti Militari (Polish)	1
Military Cross (Czech)	1

13. General

Effective July 16, 1942 the designation of the Senior R.C.A.F. Officer Overseas was changed to "Air Officer Commanding-in-Chief, R.C.A.F. Overseas".

In September, the R.C.A.F. Division of the Canadian Joint Staff Headquarters in Washington was formed and an Air Member, Canadian Joint Staff, was appointed.

In December, the appointment of an additional Deputy Inspector General was approved and there are now a D.I.G. (Eastern Canada) and a D.I.G. (Western Canada).

In January, 1943, a Director General of Economy, responsible to the Chief of the Air Staff for the general supervision from an economic standpoint of the employment of man-power and materials throughout the R.C.A.F., was appointed.

Headquarters, Western Air Command, moved from Victoria to Joint Services Headquarters, Vancouver, in February, 1943.

Air Force Headquarters moved to the newly completed "Lisgar Building", Ottawa, in October, 1942.

JUDGE ADVOCATE GENERAL

COURTS-MARTIAL

During the year 1942-1943 a total of two thousand five hundred and thirty (2,530) Courts-Martial which had been held for the trial of personnel of the Canadian Army and the Royal Canadian Air Force serving on Active Service in Canada, Newfoundland, British West Indies and the United States of America, were reviewed in this office. Included in this total are also the Courts-Martial held for the trial of personnel attached to or serving in combination with the said Forces.

(a) Canadian Army

	C.C.M.	D.C.M.	F.G.C.M.	Total
Canada	30	2,168		2,198
Newfoundland	5	29	6	37
British West Indies		1	8	1
U.S.A.				8
Total Army	35	2,198	14	2,244

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NATIONAL DEFENCE

(b) Royal Canadian Air Force

	G.C.M.	D.C.M.	F.G.C.M.	Total
Canada.....	25	154	4	183
Newfoundland.....		2		2
Total R.C.A.F.....	25	156	4	185

(c) Royal Air Force

	G.C.M.	D.C.M.	F.G.C.M.	Total
Canada.....	21	84		105
Middle East.....	2		2	4
Namur.....			2	2
Total R.A.F.....	23	84	4	111
GRAND TOTAL.....	83	2,425	22	2,530

ACCIDENTS

During the fiscal year 1942-1943, 4,398 claims which arose out of accidents between motor vehicles owned and operated by the Crown and motor vehicles owned by private parties, or which arose from claims in respect of damage to private property arising out of aircraft accidents.

All such claims were reviewed in this office and disposed of, as indicated in the following tables:—

ROYAL CANADIAN NAVY

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown.....	24		866 75
(b) Claims paid by civilians to the Crown.....	6	275 75	
(c) Civilian claims denied.....	12		
(d) Accidents in which no action was taken.....	8		
(e) Pending.....	13		
Total.....	63	275 75	866 75

CANADIAN ARMY (ACTIVE)

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown.....	729		92,633 09
(b) Claims paid by the Crown (portion recovered from driver).....	81	4,505 62	
(c) Crown claims paid by civilians.....	373	21,972 14	
(d) Crown claims against civilians abandoned.....	234		
(e) Civilian claims denied.....	360		
(f) Accidents in which no action taken.....	594		
(g) Pending.....	1,045		
Total.....	3,322	26,477 76	92,633 09

REPORT OF THE DEPUTY MINISTER

23

ROYAL CANADIAN AIR FORCE

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown.....	83		11,612 55
(b) Claims paid by the Crown (portion recovered from driver).....	21	577 43	
(c) Crown claims paid by civilians.....	62	9,371 21	
(d) Crown claims against civilians abandoned.....	81		
(e) Civilian claims denied.....	41		
(f) Accidents in which no action taken.....	85		
(g) Pending.....	221		1,800 00
(h) Claims paid through a civilian School.....	1		
Total.....	665	9,948 64	13,412 55

ROYAL AIR FORCE

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown.....	5		602 01
(b) Claims paid by the Crown (portion recovered from driver).....	1	21 00	
(c) Crown claims paid by civilians.....	1	1,104 85	
(d) Crown claims against civilians abandoned.....	3		
(e) Pending.....	15		
Total.....	27	1,125 85	602 01

ROYAL CANADIAN AIR FORCE

ACCIDENTS—MISCELLANEOUS

Claims arising from damage caused by aircraft, certain miscellaneous claims due to negligence, and claims in which Ex Gratia Payments were authorized, were as follows:—

CLAIMS FOR DAMAGE CAUSED BY AIRCRAFT

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown.....	235		13,603 84
(b) Claims made and abandoned by civilians.....	9		
(c) Claims denied.....	4		
(d) Claims pending.....	50		
Total.....	318		13,603 84

CLAIMS ARISING OUT OF NEGLIGENCE

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown.....	11		949 08
(b) Civilian claims denied.....	33		
(c) Crown claims paid by civilians.....	6	705 85	
(d) Crown claims against civilians abandoned.....	11		
(e) Claims pending.....	35		
Total.....	96	705 85	949 08

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NATIONAL DEFENCE

CLAIMS PAID BY EX GRATIA PAYMENTS

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by the Crown	7	..	90 00
Total	7	..	90 00
GRAND TOTAL	421	705 85	14,642 92

LOSS OF REGISTERED OR INSURED POSTAL PACKETS

One hundred and thirty-six claims with regard to loss of or from registered or insured postal packets were investigated by this office during the fiscal year ending March 31, 1943, under the procedure authorized by Order in Council P.C. 36/4430, dated May 27, 1942, with the following result:—

	Number	Amount \$ cts.	Amount \$ cts.
(a) Claims paid by Crown	3	..	30 00
(b) Recoveries from Postal Orderly	..	1 50	..
(c) Claims in which Crown denied responsibility	9
(d) Claims awaiting disposal at March 31st, 1943	124
Total	136	1 50	30 00

LEASES, AGREEMENTS, ETC.

During the year 1942-1943, some nine hundred and fourteen (914) leases and agreements as indicated in the following tables were prepared and completed in connection with the procuring of property, other than office accommodation, which was required for the various purposes of the three Services of this Department:—

NUMBER			
Navy	Army	Air Force	Total
50	751	113	914

CATEGORY OF PROPERTIES

For purposes of record the leases are divided into two main categories: those pertaining to buildings and those pertaining to lands. They are distributed as follows:—

	Buildings	Lands	Total
Navy	32	18	50
Army	438	313	751
Air Force	102	11	113
Total	572	342	914

REPORT OF THE DEPUTY MINISTER

LOCATION OF LEASED PROPERTIES

The following table shows the distribution of leased properties for all Services by provinces or other location in which such property is situated. To the nine provinces has been added Newfoundland, and the column headed "Out" includes properties leased in Labrador, the United States, Yukon Territory, and the Bahamas:—

	Alta.	B.C.	Man.	N.B.	N.S.	Ont.	P.E.I.	Que.	Sask.	Nfld.	Out	Total
Total	33	173	45	80	187	159	0	138	35	54	10	914

The total of 914 leases prepared for the three Services in the fiscal year 1942-1943, show an increase over the fiscal year 1941-1942 in the proportion of 275 per cent. The total leases for the Navy show an increase over the previous year in a proportion of 250 per cent; for the Army, an increase in the proportion of 293 per cent, and for the Air Force in the proportion of 201 per cent.

The foregoing tables and figures do not, however, indicate the amount of work involved, as they relate only to completed transactions. It is estimated that each case requires an average of ten references to this Branch in the form of opinions, perusal of documents, Orders in Council, general correspondence with third parties, and interdepartmental memoranda. Thus, the completed work indicates a total of more than 9,000 references.

Aside from contracts of lease, this Branch takes a direct part in matters of purchases and expropriations of properties, perusal and approval as to form of various incidental contracts for the supply of facilities and services for the accommodation involved which are not included in the above figures and tables but are nonetheless substantial. It is estimated that these items occasion approximately 3,000 references in the form of interdepartmental memoranda, outside correspondence and legal opinions which are exclusive of attendances at various Departments which the nature of the work involved frequently necessitates.

SHIP REQUISITIONING

In approximately one hundred (100) cases with regard to ship requisitioning or charter parties during the fiscal year 1942 to March 31, 1943, circumstances arose in which it was necessary for the position of the owner and charterer to be legally determined, or were such that it was necessary to make representations to the respective Government Departments concerned. This, together with the solving of the problems involved therein and the drafting and interpretation of these various charter parties, was carried out by the personnel of this office. A representative of this office also attended each of the six meetings held by the Interdepartmental Committee on the requisitioning of small vessels.

SHIP COLLISIONS

There were approximately fifty (50) ship collisions dealt with by this office in the period under review, which involved the preparation of various memoranda and Submissions to the Treasury Board in connection therewith. In several of these cases it was also necessary to obtain from the Department of Justice on opinion as to the liability of the Crown. All such cases, however, were brought to a satisfactory conclusion without recourse to the Courts.

MERCHANT SEAMEN ORDER, 1941

Under Sections 7, 16 and 21 of the above Order as made and established by Order in Council P.C. 2385, dated April 4, 1941, eight hundred and ninety (890) cases were dealt with or reviewed during the period April 1, 1942, to March 31, 1943. The distribution of such cases was as indicated in the following table:—

Port	Total Cases
Vancouver	85
Montreal	158
Quebec	32
Halifax	441
Sydney	54
Saint John	120
Grand total	890

BRITISH COMMONWEALTH AIR TRAINING PLAN

During the year this office took a very active share in the preparation of the Supplementary Agreement, dated June 1, 1942, which made important modifications to the financial arrangements contemplated under the original agreement of December 17, 1939. A new agreement was entered into dated June 5, 1942, which changed the name of the plan to the "Combined Training Organization". This agreement had the effect of making important changes in the status of Royal Air Force independent Schools in Canada, and many intricate legal points have arisen and will arise for the consideration of this office as the result thereof.

The contracts with the Civilian Schools operating under the "Combined Training Organization" terminated on March 31, 1943. The drafting, revision and general preparation of an amended form of contract was the responsibility of this office in collaboration with the appropriate Air Force authorities and involved a considerable amount of detailed work and attendance at several meetings and interviews.

REGULATIONS, ORDERS IN COUNCIL, ETC.

Experience has proved that in order to express correctly the precise intention of proposed Regulations or Orders in Council, etc., frequent consultation with the officers of other Branches of the Service responsible for the initiation of such Regulations, etc., is a necessity, and as a result of the continued increase in the volume of draft Regulations, Orders in Council, etc. submitted, there has now been included in the organization of this office a separate section to give advice with respect to the drafting and preparation of various Regulations, amendments thereto, and Orders in Council dealing with special subjects.

All Orders in Council initiated by the Department of National Defence, issued under the War Measures Act and certain other Statutes, continue to be prepared and drafted in this office and, in pursuance of the instructions issued, all Submissions to the Governor in Council, Orders for issue by the Minister, are reviewed for correctness as to form and as to substance before the same are forwarded to the Minister for his signature. During the period under review, considerably over 5,000 such Submissions were drafted, re-drafted or reviewed as to form and substance.

The functions previously performed by the respective Orders Committees of the Navy, Army and Air Forces have also been transferred to the foregoing section of this office.

PENSIONS AND CLAIMS BOARD

The Judge Advocate-General, as President of the Pensions and Claims Board, is responsible for the submission of all claims for Service Pensions granted under the provisions of the Militia Pension Act. During the past year there has been a considerable increase in the personnel of the Forces retired to pension, and this with the extra work involved through the appointment to or re-enlistment of pensioners in the Forces during the present emergency has added considerable volume to the routine work of this office.

GENERAL

In addition to the foregoing, it is estimated that over fifty (50) written references are received per day for advice on other legal points, which approximates for the year in question a total of nineteen thousand (19,000) such references which required a written reply.

Superimposed upon the foregoing there were on an average 200 telephone queries per diem, which for the year would amount to over 70,000. While many of these queries dealt with questions which could be answered on the spot, a number of them related to important matters which demand some consideration being given thereto.

The abnormal increase in the amount of routine work as the result of Active Service conditions continues unabated, and the demand for the services of legal officers to serve as members of various Boards and Committees is a contingency which personnel of this office must always be prepared to meet at short notice.

DEPENDENTS' ALLOWANCE BOARD

GENERAL

The Dependents' Allowance Board is charged with the administration of the Financial Regulations and Instructions covering the payment of Dependents Allowances which are intended to promote the well-being and efficiency of the Armed Forces of Canada by alleviating financial anxieties as to the domestic welfare of their Dependents.

The Board is an administrative agency which was created to ensure that every application for an allowance receives prompt and efficient consideration. The Board of seven is made up of officers seconded from the different Services and presently constituted as follows:—

Mr. R. O. G. Bennett (served in last war), Chairman.
Colonel S. H. Hill representing the Canadian Army.
Lieut.-Colonel J. G. Raymond representing the Canadian Army.
Commander A. E. Fortington representing the Royal Canadian Navy.
Wing Commander S. G. Mayer representing the R.C.A.F.
Squadron Leader J. H. Hollies representing the R.C.A.F.
Mr. A. H. Brown (served in last war), representing the Treasury.

DEPENDENTS' ALLOWANCE BOARD REPRESENTATIVES

The Board has Representatives at all Military District Headquarters and R.C.A.F. Air Commands throughout Canada who maintain liaison between Servicemen and their Dependents and the Board. These Officers are detailed from the R.C.A.P.C. and the R.C.A.F. and the system works out satisfactorily.

REPORT
OF THE DEPARTMENT OF
NATIONAL DEFENCE
CANADA

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1944-45

FOR THE
FISCAL YEAR ENDING MARCH 31
1944



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1944

400-S-41 (5387)
H.Q. 850-S-54

Awards

ded to Canadians in the R.C.A.F.
31, 1944:—

R.C.A.F.	Canadians in R.A.F.
93	12
35	1
6	
72	1
9	2
58	
9	4
8	
777	158
38	21
317	21
	1
	1
17	11
3	
2	1
15	1
51	2
357	42
1	
1	
16	3
12	
4	
	1
1	
1	
1	
1	1
	1
	1

JUDGE ADVOCATE GENERAL

COURTS-MARTIAL

During the year 1943-1944 a total of four thousand two hundred and forty-two (4,242) Courts-Martial which had been held for the trial of personnel of the Canadian Army and the Royal Canadian Air Force serving on Active Service in Canada, Newfoundland and the United States of America were received and reviewed in this office. Included in this total are the Courts-Martial held for the trial of personnel with "W" Force or attached to or serving in combination with the aforesaid Forces:—

(a) Canadian Army

	G.C.M.	D.C.M.	F.G.C.M.	Total
Canada.....	35	3,611	1	3,647
"W" Force.....	2	21		23
U.S.A.....			1	1
Total Army.....	37	3,632	2	3,671

(b) Royal Canadian Air Force

	G.C.M.	D.C.M.	F.G.C.M.	Total
Canada.....	62	350		412
Newfoundland.....	2	2		4
Total R.C.A.F.....	64	352		416

(c) Royal Air Force

	G.C.M.	D.C.M.	F.G.C.M.	Total
Canada.....	27	128		155
Total R.A.F.....	27	128		155
GRAND TOTAL.....	128	4,112	2	4,242

ACCIDENTS

During the fiscal year 1943-1944 four thousand and three (4,003) claims arising out of accidents between motor vehicles owned and operated by the Crown and motor vehicles owned by private parties, or which arose from claims in respect of damage to private property arising out of aircraft accidents were received in this office for review and disposal.

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NATIONAL DEFENCE

The disposition of all such claims after review and necessary action by this office was as follows:—

CANADIAN ARMY (ACTIVE)

	Number	Amount recovered	Amount paid
		\$ cts	\$ cts
(a) (i) Claims paid by the Crown	1,018		119,767 48
(ii) Recovered from driver in 202 cases		5,236 34	
(b) Crown claims paid by civilians	312	28,814 04	
(c) Crown claims against civilians abandoned	222		
(d) Civilian claims denied	605		
(e) Accidents in which no action taken	978		
(f) Pending	1,144		
Total	4,279	33,910 38	119,767 48

RECAPITULATION

Claims pending April 1, 1943	1,043	Claims closed during year ending March 31, 1944	3,135
New claims during year ending March 31, 1944	3,234	Claims pending March 31, 1943	1,144
	4,279		4,279

ROYAL CANADIAN AIR FORCE

	Number	Amount recovered	Amount paid
		\$ cts	\$ cts
(a) (i) Claims paid by the Crown	120		8,312 85
(ii) Recovered from driver in 20 cases		403 68	
(b) Crown claims paid by civilians	103	10,122 35	
(c) Crown claims against civilians abandoned	61		
(d) Civilian claims denied	98		
(e) Accidents in which no action taken	189		
(f) Pending	440		
Total	983	10,626 01	8,312 85

RECAPITULATION

Claims pending April 1, 1943	221	Claims closed during year ending March 31, 1944	543
New claims during year ending Mar. 31, 1944	762	Claims pending March 31, 1944	440
	983		983

ROYAL AIR FORCE

	Number	Amount recovered	Amount paid
		\$ cts	\$ cts
(a) Claims paid by the Crown	11		925 33
(b) Crown claims paid by civilians	2	92 92	
(c) Crown claims against civilians abandoned	2		
(d) Civilian claims denied	2		
(e) Pending	6		
Total	22	92 92	925 33

REPORT OF THE DEPUTY MINISTER

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RECAPITULATION

Claims pending April 1, 1943	13	Claims closed during year ending March 31, 1944	10
New claims during year ending March 31, 1944	7	Claims pending March 31, 1944	6
	22		22

ROYAL CANADIAN AIR FORCE

ACCIDENTS—MISCELLANEOUS

Four hundred and twenty-one (421) claims arising from damage by aircraft which included certain miscellaneous claims due to negligence, and claims in which *Ex Gratia* payments were authorized were received during the year under review. They were disposed of as indicated in the following table:—

CLAIMS FOR DAMAGE CAUSED BY AIRCRAFT

	Number	Amount	Amount
		\$ cts	\$ cts
(a) Claims paid by Crown	358		43,278 12
(b) Crown claims paid by civilians	2	520 59	
(c) Claims made and abandoned by civilians	11		
(d) Claims denied	0		
(e) Claims pending	69		
Total	447	520 59	43,278 12

CLAIMS ARISING OUT OF NEGLIGENCE

	Number	Amount	Amount
		\$ cts	\$ cts
(a) Claims paid by Crown	22		1,892 25
(b) Civilian claims denied	15		
(c) Crown claims paid by civilians	2	1,135 07	
(d) Claims abandoned by civilians	2		
(e) Claims pending	5		
Total	49	1,135 07	1,892 25

CLAIMS IN WHICH EX GRATIA PAYMENT MADE

	Number	Amount	Amount
		\$ cts	\$ cts
(a) Claims paid by Crown	10		1,390 55
Total	10		1,390 55

RECAPITULATION

Claims pending April 1, 1943	85	Claims closed during year ending March 31, 1944	420
New claims during year ending March 31, 1944	421	Claims pending March 31, 1944	77
	506		506

LOSS OF REGISTERED OR INSURED POSTAL PACKETS

During the year under review two hundred and forty (240) claims in connection with the loss of or from registered or insured postal packets sent to personnel on active service with the Canadian Army and the Royal Canadian Air Force were received in this office and were dealt with under the procedure authorized by Order in Council P.C. 36/4430 dated May 27, 1942. The following table shows the action taken and disposal of such claims:

	Number	Amount recovered	Amount paid
(a) (i) Claims paid by Crown	151	\$ 304.48	\$ 1,447.88
(ii) Recoveries in 35 cases	15		
(b) Claims in which Crown denied liability	31		
(c) Claims abandoned by civilians	116		
(d) Claims pending on March 31, 1944			
Total	313	304.48	1,447.88

RECAPITULATION

Claims pending April 1, 1943	73	Claims closed during year ending March 31, 1944	107
New claims during year ending March 31, 1944	240	Claims pending on March 31, 1944	116
	313		313

In addition to the above cases some thirty (30) claims were received during the period December 1, 1943, to March 31, 1944, with respect to losses of or from registered or insured postal packets addressed to service personnel of the Royal Canadian Navy. The majority of such cases are still under investigation.

LEASES, AGREEMENTS, ETC.

During the fiscal year ending March 31, 1944, six hundred and eighty-eight (688) leases and agreements were prepared and completed in connection with the procurement of property other than office accommodation, required for the use of the three services of this Department. The properties required for each of the respective services were:

NUMBER			
Navy	Army	Air Force	Total
76	605	107	688

Such properties consist of buildings and lands and the following tables indicate their category and location. With the exception of Newfoundland, places beyond the boundaries of the Dominion have been accounted for in the column headed "OUT".

CATEGORY OF PROPERTIES

	Buildings	Lands	Total
Navy	37	39	76
Army	305	290	595
Air Force	74	33	107
Total	416	272	688

LOCATION OF LEASED PROPERTIES

Alta.	B.C.	Man.	N.B.	N.S.	Ont.	P.E.I.	Que.	Sask.	Nfld.	Out	Total
46	137	22	30	133	117	7	144	22	14	3	688

The foregoing totals indicate a decrease of two hundred and twenty-six (226) leases by comparison with those of the previous fiscal year. There was an increase of leases entered into in the Province of Alberta, Prince Edward Island and Quebec but a decrease in all other provinces and places outside of Canada. While the totals given include all leases completed by this office they do not include leases entered into by the respective services which had been prepared by other Departments of the Government on their behalf. Renewals of existing leases are not reflected in the above totals.

In addition to the various contracts of lease indicated above this office takes a direct part in matters of purchases and expropriations of properties and a substantial number of references in the form of inter-departmental memoranda, outside correspondence and legal opinions arose out of the examination and approval as to form and the preparation of the various incidental contracts required for the supply of facilities and services for such properties. The nature of such matters also frequently necessitated the attendance of a member of this office at meetings held in various Departments interested in the matters at issue.

SHIP REQUISITIONING

There was a decrease in the number of ships requisitioned and several requisitions were cancelled. Much research and detailed work was involved in finding appropriate solutions to the many questions arising out of such cancellations and also in connection with the interpretation and application of the provisions of the Compensation Defence Act, 1940, thereto.

SHIP COLLISIONS

Approximately one hundred and seventy-five (175) cases of ship collisions, loss of cargo and damage caused by ships to wharves or jetties, etc., were dealt with by this office during the period under review which involved the preparation of various memoranda and the drafting of submissions to Treasury Board in those cases where the Crown was adjudged liable.

In addition to the foregoing liaison was maintained with the Departments of Transport, Justice and External Affairs in respect of ship collisions involving warships of the United Kingdom and United States registration and Canadian Naval vessels.

MERCHANT SEAMEN ORDER, 1941

Order in Council P.C. 11397 dated December 19, 1942, an Order affecting the discipline of Merchant Seamen was, by order of the Minister of Naval Services, brought into effect on April 15, 1943. The said Order in Council was made and established in substitution of Order in Council P.C. 2385 dated April 4, 1941, and upon the coming into force thereof the said P.C. 2385, together with all amendments thereto, was revoked and cancelled.

Immediately upon the coming into force of the new Merchant Seamen Order complete instructions regarding its administration and the changes in procedure made necessary thereby were issued to the officials at all ports in Canada at which the said Order is in force. New forms which had been prepared and a revised Handbook of Instructions were also distributed.

Under the provisions of the said Order five hundred and thirty-two (532) cases were heard by Boards of Inquiry and thereafter were forwarded to this office for review, registration and retention. The distribution, by ports, of the foregoing cases was as follows:—

Port	Total Cases
Halifax	206
Sydney	46
Montreal	89
Quebec	8
Saint John	109
Vancouver	88
Victoria	8
Total	532

This office also carries out as required from time to time the revision of all nominations and appointments to Committees of Investigation and Boards of Inquiry convened under the provisions of the Merchant Seamen Order, the preparation of such additional nominations and appointments as are required with respect to the various Committees and Boards and the necessary arrangements for their publication and promulgation in the *Canada Gazette*.

BRITISH COMMONWEALTH AIR TRAINING PLAN

During the year 1943-1944 this office in consultation with the appropriate Air Force officers concerned prepared an important amendment to the British Commonwealth Air Training Plan by which the financial liability of the Government of Canada for costs and expenses connected with Royal Canadian Air Force personnel made available for service with, or in conjunction with, the Royal Air Force was considerably enlarged. This amendment was made effective from 1st April, 1943.

INVENTIONS

This office was responsible for the preparation of a draft Order-in-Council reconstituting the Inventions Board so as to establish in Canada a central authority to which all inventions, suggestions and ideas, whether made by members of the armed forces or civilians could be referred for examination, the said Board to be empowered to segregate such inventions, suggestions or ideas as could be usefully employed, to reject unsound proposals and to place promising ideas before the appropriate authorities. Such Board was also to determine the respective rights of the Crown and the inventor in the case of inventions discovered by members of the armed forces and to recommend what compensation such member should be paid in respect of his invention. The preparation of this draft order required the attendance of a member of this office at several meetings and conferences between the officials of other Government Departments interested in the matter of inventions. Officers of this office act as legal advisers to the Inventions Board and the Army Consulting Committee. This office is also responsible for dealing with Patent Solicitors in connection with all patents applied for by the Inventions Board.

WAR CRIMES ADVISORY COMMITTEE

A member of this office was appointed Secretary and Investigation Officer of the War Crimes Advisory Committee. This function involves conferences with the Chairman and Honorary Members of the Committee and attendance at meetings held to formulate procedure for the investigation of matters falling within the terms of reference of the said Committee. It also necessitated visiting various military centres in order to interview and interrogate repatriated prisoners of war and visiting other places for the same purpose with respect to persons, other than service personnel, repatriated from enemy occupied territory.

DEFENCE OF CANADA REGULATIONS

A considerable number of cases were referred to this office which involved the interpretation of the Defence of Canada Regulations insofar as the administration of such Regulations affected this Department. Several written opinions were prepared in connection therewith and particularly with reference to the application of Regulations 3, 4, 5, 18, 38(b), 38(c), 40, 45, 46, and 48. This office in consultation with representatives of the Department of Justice, the Royal Canadian Mounted Police and the three Services of this Department also prepared the draft of a new regulation which in its final form became Regulation 5(a).

LEGAL AID

During the past fiscal year, with the co-operation of the Canadian Bar Association, the establishment of a system of legal aid for members of the armed forces has taken a concrete form. The arrangements under which members of the Canadian Army can be furnished with such legal aid were published in C.A.R.O. 3519 and made effective the 14th August, 1943, which Order was later replaced by C.A.R.O. 4130 dated 19th February, 1944. The latter Order provides for legal aid for members of active units or formations of the Canadian Army not under the administrative direction or control of Canadian Military Headquarters in the United Kingdom and extends legal aid to dependents of members of the Canadian Army on active service and has removed the existing exclusion of matrimonial and criminal cases from the ambit of legal aid.

The normal procedure is for applications for legal aid under the above Routine Orders to be referred to the legal aid officer in the appropriate Military District, Division or Command and not to this office. This office, however, is responsible for the administration generally of legal aid and for dealing with all the legal aid problems of personnel employed at National Defence Headquarters.

Approximately one hundred and seven (107) applications for legal aid were received and dealt with in this office during the period 14th August, 1943, and 31st March, 1944, and the following is the order of frequency of the problems so dealt with:

- Matrimonial problems, including divorce.
- Landlord and tenant cases.
- Claims for damage.
- Police Court (Summons).
- Debt cases.
- Criminal cases.
- Estate and property matters.

SERVICE OF LEGAL DOCUMENTS

During the year under review this office has assisted Canadian solicitors in the service of legal documents upon members of the Canadian Army who are serving outside Canada, and has also assisted members of the Law Society (England) in the service of legal documents upon members of the Canadian Army on active service who are serving in Canada.

DISPOSAL OF OFFICERS

Pursuant to the directions of the Minister the files of all officers whose removal, retirement or reversion to reserve status has been recommended are forwarded to this office for examination in order that the legality of the proposed action may be determined before any such recommendation is submitted for the approval of the Minister.

DIGEST OF RULINGS AND OPINIONS

During the period under review a digest of the more important Rulings and Opinions emanating from this office since the commencement of the present war was prepared and is now in process of printing. Approximately one thousand (1,000) of such Rulings and Opinions were so digested.

REGULATIONS, ORDERS IN COUNCIL, ETC.

All submissions to the Governor in Council and to the Minister are reviewed for correctness as to form and as to substance in this office before being forwarded to the Minister for his signature. Experience has proved that in order to express correctly the concise intention of the proposed regulations or orders frequent consultation with the officers of other branches of the Service responsible for the initiation thereof is necessary. Orders under the War Measures Act and certain other statutes which affect the Service as a whole continue to be drafted in this office. During the period under review approximately four thousand (4,000) such submissions were drafted, re-drafted or reviewed as to form and substance.

CONTRACTS

All contracts entered into by the Department must be approved as to form by this office before being passed to the Deputy Minister or Minister for signature. Approximately forty (40) contracts a month are submitted for review and necessary amendments.

In addition contracts and agreements covering various matters, including Army Show Musical Copyright, the construction and acquisition of telephone facilities for the Department and Charter Parties were prepared in this office.

PENSIONS AND CLAIMS BOARD

The Judge Advocate General as President of the Pensions and Claims Board continues to be responsible for the submission of all claims for service pensions granted under the provisions of the Militia Pensions Act. The passing of Order in Council P.C. 4774 dated June 10, 1943, which established a maximum age limit for the retirement of officers resulted in a considerable increase in the number of pensions granted during the year under review.

COMMITTEES

Throughout the year ending 31st March, 1944, there has been a continued demand for the services of members of this office to sit on numerous committees convened to deal with major problems of organization or the more important investigations.

GENERAL

It is estimated that the number of requests for personal interviews, telephone queries for advice and written requests for advice on legal points was even greater than in the previous year.

DEPENDENTS' ALLOWANCE BOARD

GENERAL

The operation of this Board, which is charged with the administration of the Financial Regulations and Instructions governing the payment of Dependents' Allowances, have continued to expand during the year with the increase in Canada's Armed Forces, and the total disbursement of Dependents' Allowance and Assigned Pay in 1943-44 rose to \$398,477,219 compared with \$245,879,783 (without the Navy) for the previous year. These payments are now running at the rate of well over a million dollars a day. Complete statistical information covering expenditures appears at the end of this report. Other comparative figures showing the volume of routine work handled by the Board are given hereunder:—

	1942-43	1943-44
Board awards made after review	311,037	318,720
Letters despatched	309,451	328,094
Investigations	47,462	37,728

All Board awards, as listed above, are reviewed and signed by two Members. Special cases and those which involve compulsory Assigned Pay are brought up for consideration at Full Board meetings.

CHANGES IN THE REGULATIONS

Perhaps the most important change in the Board's work during the year was brought about by the amendment to the Regulations and Instructions for the Royal Canadian Navy which changed their Marriage Allowances to Dependents' Allowances and brought them under the administration of the Board in August, 1943. These allowances had formerly been administered by Naval Headquarters. This completes the picture and brings Dependents' Allowances of all the Services under the administration of this Board.

Besides the above there have been a number of routine changes in the Financial Regulations and Instructions governing Dependents' Allowances during the year. These are mostly minor adjustments intended to improve the position of the Dependents. They are listed below:—

1. Article 88 (A, B, and C) was added to the Financial Regulations and Instructions effective May 1, 1943, to provide for compulsory Assignments of Pay against officers in cases where a wife and children are in need by reason of inadequate financial provision by the officer, such assignments being limited to the maximum of \$100 per month and being effective on the Minister's direction.

2. Article 113A was extended to include payments to Dependents of "Missing" and "Killed" personnel on Permanent Force Rates at the same rates as provided for those on Active Service Rates, effective September 1, 1939.

3. Effective July 1, 1943, Article 102 (h) was amended to allow wives of members of the Defence Forces who are themselves members of the Defence Forces to receive Dependents' Allowance on behalf of their husbands provided the allowance and their own pay does not exceed a total of \$2,100 per annum.

4. Article 101 (c) was amended to allow members of the Women's Divisions to apply for "other Dependents". (No provision was made for allowances on behalf of members of the Women's Divisions under Article 101 (a) and (b) as women with dependent children are not usually enlisted.)

5. Effective December 9, 1943, the Cost of Living Bonus for wives, which was based on the Labour Index, was incorporated in the basic allowance rate in accordance with similar action taken in connection with wages. The Cost of Living Bonus for children was added to the allowance for the first child, increasing same to \$13.92 per month, P.C. 55/510.

6. Effective March 1, 1944, Article 101 (ii) was amended to provide, at the discretion of the Board, for allowances to a wife in cases in which competent

REPORT
OF THE DEPARTMENT OF
NATIONAL DEFENCE

FOR THE
FISCAL YEAR ENDING MARCH 31
1945



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NATIONAL DEFENCE

Bar to Distinguished Flying Medal.....	-	1
Distinguished Service Cross.....	-	1
Distinguished Service Order.....	59	13
Bar to Distinguished Service Order.....	4	1
George Cross.....	4	1
George Medal.....	17	1
Knight of the Order of the British Empire.....	-	1
Member of the Order of the British Empire.....	113	2
Mentioned in Despatches.....	1,030	49
Military Cross.....	1	2
Military Medal.....	1	-
Officer of the Order of the British Empire.....	37	3
United States Army Air Medal.....	20	-
United States Army Air Medal and Oak Leaf Cluster.....	12	-
United States Distinguished Flying Cross.....	8	-
United States Soldier Medal.....	1	-
United States Silver Star.....	-	1
Belgian Croix de Guerre, 1940.....	1	-
Belgian Military Cross, 1st Class.....	1	-
Czechoslovakian Medal for Valour.....	1	-
Czechoslovakian Military Cross.....	1	1
Polish "Virtuti Militari", 5th Class.....	-	1
Polonia Restituta, 4th Class.....	-	1
Greek Distinguished Service Medal.....	1	-
Russian Medal for Valour.....	1	-
Croix de Guerre avec Etoile D'Argent.....	1	-
Croix de Guerre avec Etoile D'Argent and F.F.I. Emblem.....	1	-
King Haakon VII Commemoration Medal.....	2	-
Total.....	5,106	343

REPORT OF THE DEPUTY MINISTER

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JUDGE ADVOCATE GENERAL

COURTS-MARTIAL

During the year 1944-45 six thousand, four hundred and seventy-nine (6,479) Proceedings of Courts-Martial were received and reviewed in this office. These proceedings consist of all courts-martial held in Canada, Newfoundland, British West Indies and the United States of America for the trial of Canadian Army and Royal Canadian Air Force personnel serving on Active Service in those countries. They also include the proceedings of those courts-martial held in the Western Hemisphere for the trial of personnel of the Royal Air Force stationed therein, and proceedings of those courts-martial held overseas for the trial of Canadian personnel there serving but who subsequent to trial have been returned to Canada.

(a) CANADIAN ARMY

	G.C.M.	D.C.M.	S.C.M.	F.G.C.M.	Total
Canada.....	57	2,358	3,136	-	5,551
U.S.A.....	1	-	-	170	204
Overseas.....	4	8	-	-	12
"W" Force.....	-	-	-	1	1
B.W.I.....	-	-	-	-	-
Total Army.....	66	2,366	3,136	171	5,769

(b) ROYAL CANADIAN AIR FORCE

	G.C.M.	D.C.M.	S.C.M.	F.G.C.M.	Total
Canada.....	92	518	-	-	610
Newfoundland.....	-	5	-	-	5
Overseas.....	14	4	-	1	19
Total R.C.A.F.....	106	527	-	1	634

(c) ROYAL AIR FORCE

	G.C.M.	D.C.M.	S.C.M.	F.G.C.M.	Total
Canada.....	21	46	-	-	67
B.W.I.....	-	-	-	8	8
U.S.A.....	1	-	-	-	1
Total R.A.F.....	22	46	-	8	76
Grand Total.....	224	2,939	3,136	180	6,479

STANDING COURTS-MARTIAL

In 1944, by direction of the Minister, a scheme, modelled upon the system of Magistrates' Courts in civil law, was evolved in this office for the establishment of a Standing Court-Martial for that part of the Canadian Army serving in the Western Hemisphere. The outstanding feature of this court was that all charges brought before it would be heard and disposed of by one officer only. A number of specially selected officers of field rank with legal qualifications and professional experience were appointed to this court and arrangements made

within districts for the establishment of a circuit system, by which the members of the court within a district would hold sessions of the Court at convenient places and specified times under the direction of the District Officer Commanding, to hear all cases brought before it.

The permanent prosecutors already provided for and functioning before District Courts-Martial were charged with the same duties before the new court. During the experimental period from July 1, 1944, to February 25, 1945, the jurisdiction of a Standing Court-Martial was limited to charges of desertion (other than desertion arising out of A.W.L., after warning for special duties), Absence Without Leave and Losing by Neglect.

By the beginning of 1945 it had become apparent that the new court had been successful in establishing a greatly simplified procedure with a resultant saving of much valuable time to all directly or indirectly concerned and this without any loss of efficiency or complaints of injustice, and by a Directive issued by the Minister on February 25, 1945, its jurisdiction was therefore extended to cover all charges against other ranks of a strictly military character as opposed to charges such as fraud or theft, conviction on which might leave a stigma on a man's character on his return to civil life.

It is thought that this is the first radical change in the system of disposing of offences against military law since the Duke of Wellington introduced Field-General Courts-Martial during the Peninsular War.

ACCIDENTS

During the fiscal year 1944-45 four thousand, four hundred and thirty-three (4,433) claims arising out of accidents between motor vehicles owned and operated by the Crown and motor vehicles owned by private parties, or which arose from claims in respect of damage to private property arising out of aircraft accidents were received in this office for review and disposal.

The disposition of all such claims after review and necessary action by this office was as follows:—

ROYAL CANADIAN NAVY

	Number	Amount Recovered	Amount Paid
		\$	\$
(a) Claims paid by the Crown.....	138		13,426 10
(b) Claims paid by civilians.....	35	1,387 96	
(c) Claims against civilians abandoned.....	14		
(d) Civilian claims denied.....	39		
(e) Accidents in which no action taken.....	56		
(f) Pending.....	106		
Total.....	388	1,387 96	13,426 10

RECAPITULATION

Claims received during year ending 31st March, 1945.....	388	Claims closed during year ending 31st March, 1945.....	282
		Claims pending 31st March, 1945.....	106
	388		388

REPORT OF THE DEPUTY MINISTER

CANADIAN ARMY

	Number	Amount Recovered	Amount Paid
		\$	\$
(a) (i) Claims paid by the Crown.....	1,239		232,147 18
(ii) Recovered from driver in 102 cases.....		2,280 81	
(b) Crown claims paid by civilians.....	240	30,957 95	
(c) Crown claims against civilians abandoned.....	178		
(d) Accidents in which no action taken.....	968		
(e) Pending.....	1,387		
Total.....	4,010	33,238 76	232,147 18

RECAPITULATION

Claims pending 1st April, 1944.....	1,144	Claims closed during year ending 31st March, 1945.....	2,628
New Claims during year ending March 31, 1945.....	2,866	Claims pending March 31, 1945.....	1,387
	4,010		4,010

ROYAL CANADIAN AIR FORCE

	Number	Amount Recovered	Amount Paid
		\$	\$
(a) (i) Claims paid by the Crown.....	155		22,185 18
(ii) Recovered from driver in 5 cases.....		76 63	
(b) Crown claims paid by civilians.....	100	12,580 59	
(c) Crown claims against civilians abandoned.....	87		
(d) Accidents in which no action taken.....	203		
(e) Pending.....	652		
Total.....	1,177	12,657 22	22,185 18

RECAPITULATION

Claims pending 1st April, 1944.....	440	Claims closed during year ending 31st March 1945.....	825
New Claims during year ending 31st March, 1945.....	737	Claims pending 31st March, 1945.....	652
	1,177		1,177

ROYAL CANADIAN AIR FORCE

ACCIDENTS—MISCELLANEOUS

Four hundred and forty-two (442) claims arising from damage by aircraft which included certain miscellaneous claims due to negligence and claims in which *Ex Gratia* payments were involved were examined during the year under review and disposed of as indicated in the following tables:—

CLAIMS FOR DAMAGE CAUSED BY AND TO AIRCRAFT

	Number	Amount Collected	Amount Paid
		\$	\$
(a) Claims paid by the Crown.....	346		35,729 40
(b) Crown claims paid by civilians.....	1	609 36	
(c) Claims made and abandoned by civilians.....	19		
(d) Civilian claims denied.....	11		
(e) Claims pending.....	55		
Total.....	432	609 36	35,729 40

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NATIONAL DEFENCE

CLAIMS ARISING OUT OF NEGLIGENCE

	Number	Amount Collected	Amount Paid
(a) Claims paid by the Crown.....	1		\$ 1,199 00
(b) Crown claims paid by civilians.....	2		
(c) Claims made and abandoned by civilians.....	1		
(d) Claims denied.....			
(e) Claims pending.....	4		1,199 00

CLAIMS PAID BY EX GRATIA PAYMENTS

	Number	Amount Paid
(a) Claims arising out of alleged negligence paid by the Crown.....	4	\$ 3,473 56
(b) Claims for damage allegedly caused by aircraft.....	2	5,159 60
Total.....	6	8,633 16

RECAPITULATION

Claims pending April 1, 1944.....	77	Claims closed during year ending March 31, 1945.....	386
New Claims during year ending March 31, 1945.....	385	Claims pending March 31, 1945.....	56
	462		442

LOSS OF REGISTERED OR INSURED POSTAL PACKETS

During the year under review one hundred and thirteen (113) claims in connection with the loss of or from registered or insured postal packets sent to personnel on active service with the Canadian Army and the Royal Canadian Air Force were received in this office and were dealt with under the procedure authorized by Order in Council, P.C. 36/4430 dated May 27, 1942. The following table shows the action taken and disposal of such claims:—

	Number	Amount Recovered	Amount Paid
(a) (i) Claims paid.....	152	\$ 463 61	\$ 1,447 88
(ii) Recoveries in 39 cases.....	26		
(b) Claims abandoned by civilians.....	31		
(c) Claims in which no action taken.....	20		
(d) Claims pending on March 31, 1944.....			
Total.....	229	463 61	1,447 88

RECAPITULATION

Claims pending 1st April, 1944.....	116	Claims closed during year ending March 31, 1945.....	209
New claims during year ending March 31, 1945.....	113	Claims pending on March 31, 1945.....	20
	229		229

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REPORT OF THE DEPUTY MINISTER

CLAIMS FOR DAMAGES BY GUN FIRE

Order in Council, P.C. 80/4133 dated May 31, 1944, prescribed the procedure which shall be followed where claims against the Crown for damages caused by the testing or proving of guns, firing of guns, etc., are received. Where the amount of the pecuniary loss alleged is less than \$200.00, payment of the claim may be made upon the direction of the Deputy Minister, acting upon the advice of the Judge Advocate General. Where the claim exceeds \$200.00, the investigation report in connection therewith is submitted to the Deputy Minister of Justice for his opinion as to whether the pecuniary loss claimed was caused by such an occurrence as is mentioned in said Order in Council and whether the claimant contributed to such loss by his negligence. Contingent upon the opinion expressed by the Deputy Minister of Justice the matter may be submitted to Treasury Board in order that authority for payment of the claim may be obtained.

In certain Districts a great number of claims had accumulated prior to the passing of the above Order in Council and between the passing thereof and March 31, 1945, 118 claims were received in this office and 29 of these have been paid. The total amount paid up to March 31, 1945, is \$5,416.17. The remaining cases are either still under investigation, pending decision or awaiting payment. Liability has been denied in only a few cases.

ACCOMMODATION

During the period under review 388 leases and agreements were prepared and completed in connection with the procurement of property, other than office accommodation, for the use of the three services. The properties acquired for each of the respective Services were:—

Navy.....	66
Army.....	267
Air Force.....	55
	388

Such properties consist of buildings and lands, and the following tables indicate their category and location:—

	BUILDINGS	LANDS	TOTAL
Navy.....	33	33	66
Army.....	138	129	267
Air Force.....	38	17	55
			388

LOCATION OF LEASED PROPERTIES

Alta.	B.C.	Man.	N.B.	N.S.	Ont.	P.E.I.	Que.	Sask.	Nfld.	Total
18	71	13	25	62	91	8	60	27	13	388

Renewals of existing leases are not reflected in the above totals. While the number of leases prepared has decreased by 311 during the past fiscal year, nevertheless the number of legal problems arising in connection with properties occupied by this Department has increased. The Surplus Crown Assets Act was enacted in June, 1944, and since leases are considered thereunder to be a Crown asset, it was necessary to work out a standard procedure with the Crown Assets Allocation Committee. This procedure provides that the Department may terminate leases without reference to the Crown Assets Allocation Committee, provided they fall within a certain category.

NATIONAL DEFENCE

In addition to the various contracts of lease indicated above, this office takes a direct part in matters of purchases and expropriations of properties, and the nature of such matters frequently necessitates the attendance of a member of this office at meetings held in various other departments interested in the matters in issue.

SHIP REQUISITIONING

Several questions arose with regard to the cancellation of ship requisitions and the interpretation and application of the Compensation (Defence) Act, 1940. In this connection the attendance of an officer of this branch was required at the Supreme Court of Canada with Crown Counsel on the appeal of the Crown in the case of Northumberland Ferries versus The King.

SHIP COLLISIONS

Approximately 200 claims arising out of ship collisions, damage caused by ships to wharves, jetties, marine railways, etc., were dealt with during the period under review. Many of these claims were further complicated by the loss of cargo and involved references being made to the Department of Justice. In those cases where the Crown was adjudged liable the necessary Releases and Discharges were prepared in this office as were the respective submissions to the Treasury Board.

Close liaison was maintained with the Departments of Transport and of External Affairs in respect of ship collisions involving warships and privately-owned vessels of the United Kingdom, the United States and Canadian vessels. A Committee was also formed to study the position of Canada with respect to the question of waiving of claims as between Canada and the United States and a member of this office attended several meetings on this matter. It was necessary for this officer to proceed to Washington where the matter was fully discussed with representatives of the Departments of State, Justice and the Judge Advocate General of the United States of America.

MERCHANT SEAMEN ORDER, 1941

Under the provisions of the above Order three hundred and eighty-seven (387) cases were heard by Boards of Inquiry and were thereafter forwarded to this office for review, registration and retention. A digest of the various rulings and decisions made in respect of such cases was prepared and circulated for the information of the respective Boards at all ports in Canada. The distribution by ports of the foregoing cases was as follows:—

Port	Number of Cases
Victoria.....	4
Vancouver.....	64
Montreal.....	89
Quebec.....	9
Sydney.....	48
Saint John.....	49
Halifax.....	124
TOTAL.....	387

A member of this office also attended the meetings of the Inter-Departmental Committee on Merchant Seamen Affairs and its Sub-Committee on Discipline. A digest of involved or unusual cases was prepared and laid before the Sub-Committee together with suggestions for the improved administration of the Order.

This office also continued to carry out as required revision of all nominations and appointments to Committees of Investigation and Boards of Inquiry

REPORT OF THE DEPUTY MINISTER

convened under the provisions of the Merchant Seamen Order, the preparation of such additional nominations and appointments as are required with respect to the various Committees and Boards and the necessary arrangements for their publication and promulgation in the *Canada Gazette*.

The ports of Vancouver, Victoria, Prince Rupert, Halifax and Montreal, were visited and various problems of a local nature were reviewed with the respective local authorities and instructions covering their solution were issued. In order to assist Boards of Inquiry in cases where a seaman charged with an offence under this Order was represented by counsel legal advisers were designated.

MERCHANT SEAMEN FOREIGN JURISDICTION ORDER

A Special Inter-Departmental Committee was set up for the purpose of devising a suitable procedure for handling cases of indiscipline on Canadian ships abroad, the meetings of which were attended by a member of this office, and this officer assisted in the preparation of the final report to the said Committee. After consideration of this report by the Committee a suitable draft order was prepared and submitted to the appropriate authorities.

The Order entitled the "Merchant Seamen Foreign Jurisdiction Order, 1944" was subsequently approved by Order in Council P.C. 4312, dated June 5, 1944.

A manual of administrative Instructions fully explaining the above Order and containing full instructions as to its use was subsequently prepared and issued to the various ship operators in Canada for transmission to masters on all foreign-going merchant ships of Canadian registry and to the Department of External Affairs and all naval authorities concerned.

Offences under the Merchant Seamen Foreign Jurisdiction Order, 1944, are dealt with under a somewhat similar procedure as that followed in cases dealt with under the Merchant Seamen Order, 1941, and after disposal by the appropriate local authority the proceedings of all cases are forwarded to this office for registration, review and custody.

WAR CRIMES ADVISORY COMMITTEE

During the fiscal year 1944-45 a member of this office continued to act as Secretary and Investigating Officer of the above Committee and his duties necessitated his visiting points on the West Coast to interview repatriates who had settled there. Considerable correspondence with such personnel was entailed and a form of questionnaire was prepared and forwarded for them to complete. From these sources a considerable amount of useful information was obtained and after verification a digest was prepared for the use of the Committee. During the year several meetings were convened and interim reports were submitted on the progress made. A senior member of the office also acted as representative of the Department of National Defence on the Committee.

BRITISH COMMONWEALTH AIR TRAINING PLAN

During the year under review this office collaborated with the Financial Adviser to the British Commonwealth Air Training Plan and the Department of Justice with regard to:—

- (a) Preparation of an agreement with the United Kingdom for settlement as to the value of the assets of the British Commonwealth Air Training Plan upon the winding up of the Combined Training Organization involving an amendment of the provisions of Article 27 of the Inter-Governmental Agreement of June 5, 1942.

- (b) Preparation of an agreement to be entered into with the United Kingdom for the training of R.A.F. air crew in Canada to take effect from and after April 1, 1945, on the termination of the Inter-Governmental Agreement dated June 5, 1942.

This Branch also collaborated with the Personnel Division, Air Force Headquarters in the preparation of a draft Inter-Governmental Agreement to be entered into with the United Kingdom to take the place of Appendices III, IV and V of the Inter-Governmental Agreement of June 5, 1942, which terminated on March 31, 1945.

GRATUITIES

(The War Service Grants Act, 1944)

During the period under review this office assisted in the preparation of a Bill to provide for the payment of war service gratuities and re-establishment credits. This entailed the attendance of senior officers of this office at a considerable number of meetings between officers of other Directorates and officials of other Government Departments, as well as assistance in the drafting of The War Service Grants Act, 1944, The War Service Gratuity Regulations and subsequent amendments thereto. Under the Act and Regulations, applications for benefits are first referred to the appropriate authority of the particular Service involved. Files containing applications for benefits under the Act are frequently referred to this office by the three services for legal opinions or rulings with respect to eligibility for gratuities or credits. There is also continual liaison and consultation between this office and the Board of Review, which was established under the Regulations for the purpose of reviewing applications for benefits where payment has been denied or withheld by the respective Services. In addition an officer of this office, whenever required, attends meetings of the Board of Review to assist the Board in arriving at decisions in those cases where legal advice may be required.

LEGAL AID

This office is responsible for the general administration of Legal Aid for members of the armed forces on active service under Canadian Army Routine Order 4130 of February 19, 1944, and deals with all legal aid problems of personnel employed at National Defence Headquarters. Directions are also given through this office to the designated solicitors and others concerned with the welfare of the soldier overseas in many legal matters arising in the United Kingdom and referred to this office by Canadian Military Headquarters, England. During the last fiscal year more than 1,000 applications for legal aid were received and dealt with and between 750 and 800 personal interviews were given at this office.

SERVICE OF LEGAL DOCUMENTS

On March 7, 1944, the Deputy Minister brought to the attention of the Law Societies of Canada the service which the Army was prepared to render in assisting with the service of legal process on personnel of the Canadian Army serving overseas. As a result, about 137 requests, all of which were complied with, were received from Canadian solicitors for service of legal documents on or the completion and execution of legal documents by members of the Canadian Army serving outside of Canada. This office has also assisted members of the Law Society (England) in the service of legal documents upon members of the Canadian Army on active service who are serving in Canada. The latter service has been rendered to reciprocate for the generous assistance rendered by Canadian Service personnel by this Society overseas.

LEGAL AID (UNITED KINGDOM)

During the year under review 101 cases which had been referred to solicitors direct from Canadian Military Headquarters were subsequently referred to this office and considerable correspondence ensued thereon.

REGULATIONS, ORDERS IN COUNCIL, ETC.

All draft submissions to the Governor in Council, the Minister and Treasury Board continue to be reviewed in this office for correctness as to form and substance, and for appropriate endorsement in the case of submissions which are considered to be of a secret or confidential nature requiring non-publication. Frequent consultation with officers of the several branches of the Department was necessary in order that their precise intentions might be expressed correctly in the proposed regulations or orders. Orders under the War Measures Act and certain other statutes which affect the Service as a whole continue to be drafted in this office. During the period under review approximately 2,000 such submissions were drafted, re-drafted or reviewed as to form and substance.

DISPOSAL OF OFFICERS

Pursuant to the provisions of Appendix XII, King's Regulations and Orders (Canada) 1939, the files of all officers whose removal, retirement or reversion to reserve status has been recommended are forwarded to this office for examination in order that the legality of the proposed action may be determined before any such recommendation is submitted for the approval of the Minister.

CONTRACTS

Many of the contracts entered into by the Department during the year 1944-45 were prepared in this office, and all contracts entered into during that period were examined and approved as to form before being executed by the Minister or Deputy Minister.

INVENTIONS

All applications for patents made on behalf of the three Services pursuant to the provisions of Order in Council P.C. 9750 dated December 24, 1943, are dealt with in this office prior to forwarding to the patent solicitors for the final action. An officer from this office attends all meetings of the Army Consulting Committee and acts as legal adviser to the various Committees set up under the said Order in Council.

DEPENDENTS' ALLOWANCE BOARD

During the period under review heavy duties in connection with the Dependents' Allowance Board have, by direction of the Minister, been undertaken by this office. Since March, 1944, a senior officer has attended all meetings of the Board, these taking place on three mornings of each week. In addition to this, all questions relating to the interpretation of the regulations, all problems having to do with marital status and divorces, and all decisions in regard to the obtaining of allowances or pay by fraud or misrepresentation are referred to this office and opinions are given which are binding upon the Board. Close to a thousand references on these matters have been written during the period in addition to very numerous other matters dealt with on the telephone. In October, 1944, a Commentary on the dependents' allowance regulations, designed to explain and simplify them for the officers and men in the Services was prepared and some 30,000 of these have now been distributed.

NATIONAL DEFENCE

REGIMENTAL FUNDS BOARD

A senior officer is a member of the Regimental Funds Board and all legal questions arising out of its operations are referred to this office. During 1944 and the early part of 1945 considerable additional work has been entailed by reason of a proposed re-organization of the Board and a revision of its powers and by the necessity of settling with the Departments of Justice and of Finance important questions in regard to the status of very considerable funds accumulated by regimental institutions and by canteens conducted by national organizations during the war, these funds being now either in the hands of the Receiver General or the President of the Regimental Funds Board.

LECTURES

During the period this office has continued to supply lecturers on military law and on the dependents' allowance regulations as they were required at the Royal Military College and at the Canadian Army Administration School at Brockville. A demonstration District Court-Martial was organized and directed every month at Brockville by an officer on the staff of the Judge Advocate General and demonstration Courts-Martial have also been arranged and supervised at the Royal Military College.

PENSIONS AND CLAIMS BOARD

The Judge Advocate General as President of the Pensions and Claims Board continues to be responsible for the submission of all claims for service pensions granted under the provisions of the Militia Pensions Act. The increase in the volume of work dealt with by the above Board due to the reappointment to or re-enlistment in the Force by Long Service Pensioners who have volunteered for active service and the temporary employment of others in the Public Service of Canada and the operation of the Order in Council which established an age limit for the retirement of officers has been steadily maintained throughout the past year.

REPORT OF THE DEPUTY MINISTER

DEPENDENTS' ALLOWANCE BOARD

The operations of this Board, which is charged with the administration of Financial Regulations and Instructions, governing the payment of Dependents' Allowances for the Navy, Army and Air Force, continued to expand during the year.

Though there has been no increase in rates during the period, total disbursements of Dependents' Allowance and Assigned Pay in 1944-45 rose to a total of \$468,543,554, compared with \$398,477,219 the year before. A summary of expenditures during the war to date appears at the end of this report together with the month of March, 1945, in detail.

As a result of casualties and the falling off in enlistments as the war draws to a close, the number of awards dealt with by Board Members during the year fell off from the peak of 319,720 in 1943-44 to 273,329 during 1944-45.

Owing to the increasing difficulties of administration brought about by death of principal dependents and other family changes resulting from the extended period of separation, the complexity and volume of the Board's business has increased with the years and this is reflected in the volume of outgoing correspondence which rose to 414,317 letters compared with 328,094 last year.

Besides the regular Dependents' Allowance payments, the Board is responsible for the continuation of allowances to the dependents of battle casualties until the status of the serving member is determined or a decision has been reached by the Canadian Pension Commission and pension, if payable, is in effect.

Under the War Service Gratuity Act of 1944 and amplifying legislation, the Board is also charged with determining dependency of claimants for the War Service Grants of deceased personnel if they have not previously been in receipt of Dependents' Allowance or Pension. A War Service Gratuity Section was set up during the year to handle this work and the accumulation of cases has been promptly disposed of.

OVERSEAS COMMITTEE DEPENDENTS' ALLOWANCE BOARD

Perhaps the most important forward step during the year was the setting up of the Overseas Committee Dependents' Allowance Board at Canadian Military Headquarters, London, England, in June, 1944, with full power to handle all cases where Overseas Dependents (of whom there were 24,604 receiving cheques at February 28, 1945) are concerned. This results in a great saving of time and consequent improvement in morale of the Armed Forces Overseas.

The Overseas Committee, which was established under authority of P.C. 5216, has handled 1,815 cases up to the end of the year.

INSPECTION

All the Board's Representative offices of the three Services throughout Canada have been visited by the Chairman and Members of the Board during the year with the object of promoting service to the Dependents and members of the Forces.

REPORT

JAN 30 1947

OTTAWA

OF THE DEPARTMENT OF

NATIONAL DEFENCE

FOR THE

FISCAL YEAR ENDING MARCH 31

1946



18437

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.D.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

400-10-46 (9645) H.Q. 650-5-66

JUDGE ADVOCATE GENERAL

COURTS-MARTIAL

During the year 1945-46 a total of eight thousand eight hundred and sixty-one (8,861) Proceedings of Courts-Martial were received and reviewed in this office. These proceedings cover all courts-martial held in Canada, Newfoundland, Iceland, British West Indies and the United States of America. They also include the proceedings of those courts-martial held in the Western Hemisphere for the trial of personnel of the Royal Air Force stationed therein and the proceedings of those courts-martial held overseas for the trial of Canadian personnel there serving, but who subsequent to trial have been returned to Canada.

(a) CANADIAN ARMY

	G.C.M.	D.C.M.	S.C.M.	F.G.C.M.	Total
Canada.....	20	103	7,028		7,151
"W" Force.....	2				2
Overseas.....	39			1,292	1,331
Total Army.....	61	103	7,028	1,292	8,484

(b) ROYAL CANADIAN AIR FORCE

	G.C.M.	D.C.M.	S.C.M.	F.G.C.M.	Total
Canada.....	39	260			299
Overseas.....	17	20		14	51
Total R.C.A.F.....	56	280		14	350

(c) ROYAL AIR FORCE

	G.C.M.	D.C.M.	S.C.M.	F.G.C.M.	Total
Canada.....	6	11			17
B.W.I.....				6	6
U.S.A.....		2			2
Iceland.....		2			2
Total R.A.F.....	6	15		6	27
Grand Total.....	123	398	7,028	1,312	8,861

CLAIMS

During the fiscal year 1945-46 there were brought to a conclusion 3,932 claims and miscellaneous matters arising out of injuries to persons and the damage to or loss of property.

The following tables indicate the total amounts paid by or recovered by the Crown in respect of such claims, and the number of cases pending disposal as at March 31st, 1946.

REPORT OF THE DEPUTY MINISTER

TABLES

INJURIES TO PERSONS AND DAMAGE TO OR LOSS OF PROPERTY

ROYAL CANADIAN NAVY

Claims pending 1st April, 1945.....	106	Claims closed during year ending 31st March, 1946.....	156
Claims received during year ending 31st March, 1946.....	203	Claims pending 31st March, 1946....	153
	309		309
Amount paid by Crown.....		\$5,015.57	
Amount recovered by Crown.....		3,879.62	

CANADIAN ARMY

Claims pending 1st April, 1945.....	1,387	Claims closed during year ending 31st March, 1946.....	2,483
New claims during year ending 31st March, 1946.....	2,934	Claims pending 31st March, 1946....	1,838
	4,321		4,321
Amount paid by Crown.....		\$184,658.45	
Amount recovered by Crown.....		13,483.16	

ROYAL CANADIAN AIR FORCE

Claims pending 1st April, 1945.....	652	Claims closed during year ending 31st March, 1946.....	711
New claims during year ending 31st March, 1946.....	630	Claims pending 31st March, 1946....	571
	1,282		1,282
Amount paid by Crown.....		\$22,812.05	
Amount recovered by Crown.....		441.61	

LOSS OF REGISTERED OR INSURED POSTAL PACKETS

CANADIAN ARMY AND ROYAL CANADIAN AIR FORCE

Claims pending 1st April, 1945.....	20	Claims closed during year ending 31st March, 1946.....	27
New claims during year ending 31st March, 1946.....	61	Claims pending 31st March, 1946....	54
	81		81
Amount paid by Crown.....		\$265.50	

ROYAL CANADIAN NAVY

Claims pending 1st April, 1945.....	8	Claims closed during year ending 31st March, 1946.....	30
New claims during year ending 31st March, 1946.....	29	Claims pending 31st March, 1946....	7
	37		37
Amount paid by Crown.....		\$479.43	

NATIONAL DEFENCE

DAMAGE BY GUN FIRE

Claims pending 1st April, 1945.....	89	Claims closed during year ending 31st March, 1946.....	25
New claims during year ending 31st March, 1946.....	35	Claims pending 31st March, 1946....	99
	124		124

MISCELLANEOUS

Included in the grand total are some 500 matters of a miscellaneous nature regarding Claims dealt with by the Claims Section during the period under review.

ACCOMMODATION

During the fiscal year ending 31st March, 1946, 120 Leases and Agreements were prepared and completed in connection with the procurement of property other than office accommodation for the use of the three services. The properties acquired for each of the respective services were:—

Navy.....	7
Army.....	92
Air Force.....	21
	120

Such properties consist of buildings and lands and the following tables indicate their category and location:—

	BUILDINGS	LANDS	TOTAL
Navy.....	2	5	7
Army.....	43	49	92
Air Force.....	16	5	21
	61	59	120

LOCATION OF LEASED PROPERTIES

Alta.	B.C.	Man.	N.B.	N.S.	Ont.	P.E.I.	Que.	Sask.	Nfld.	Total
14	20	4	25	10	27	0	7	11	2	120.

The foregoing totals indicate a decrease of 268 leases by comparison with those of the preceding fiscal year. Figures for the last three years are as follows:—

1943-44.....	688
1944-45.....	388
1945-46.....	120

Renewals of existing leases are not reflected in the above totals. However, the number of renewals has decreased correspondingly.

During the last year a great number of leases prepared in previous years have been terminated. This has resulted in an increasing amount of work in connection with determining the extent of the Crown's legal liability for restoration costs upon termination of the leases and subsequent preparation of releases when final settlement is made. Where the restoration costs amount to \$5,000.00 or less, the Minister has authority to make settlement with the owners of the properties, and where such

REPORT OF THE DEPUTY MINISTER

costs exceed \$5,000.00 payment is made under authority of an Order-in-Council. In accordance with the requirements of the Surplus Crown Assets Act, leases in some cases have been referred to the Crown Assets Allocation Committee for termination through War Assets Corporation.

During the past fiscal year, the Department has completed a number of purchases of lands or buildings where the properties in question will be required on a permanent basis. This office has been called upon frequently to assist in the negotiations in connection with the purchases or in subsequent completion of the purchases where legal advice is required.

During the past fiscal year the Department of National Defence (Army) and the Department of National Defence for Air have leased a number of lands or buildings to subjects for short terms where the lands or buildings are not immediately required but which have not been declared surplus. Since 1st July, 1945, the number of agreements in this connection drawn by this office amount to 15 in the case of the Department of National Defence (Army) and 9 in the case of the Department of National Defence for Air.

MERCHANT SEAMEN ORDER, 1941

This Order went out of existence as of December, 1945, but active operation ceased on the East Coast as of V-E Day and on the West Coast as of V-J Day, with the exception of manning pool offences, the number of which was negligible.

WAR CRIMES ADVISORY COMMITTEE

During the fiscal year 1945-46, an officer of this office continued to act as the representative for the Department of National Defence on the War Crimes Advisory Committee. Consequently the office was closely associated with the drafting of the War Crimes Regulations (Canada) passed by Order-in-Council P.C. 5831 dated 30th August, 1945. Under these Regulations the Judge Advocate General was charged with the review of the proceedings of all military courts convened under the Regulations for the trial of war criminals. In this connection the Judge Advocate General proceeded overseas for the purpose of advising on the preliminary procedure and the conduct of the first courts held under these Regulations. A number of trials were completed during the year under review in respect of atrocities committed against Army and Air Force personnel in the European theatre.

In connection with the trial of Japanese war criminals, the National Defence representative on the Committee, together with an officer of the Adjutant General's Branch, proceeded to Washington in November, 1945, to discuss with the United States Judge Advocate General Department and Mr. Joseph B. Keenan, the Chief United States Prosecutor in the Pacific theatre, matters relating to Canadian participation in war crimes trials convened in that theatre. Following these discussions, Brigadier H. G. Nolan, C.B.E., M.C., Vice Judge Advocate General, was appointed to represent Canada on the prosecution staff at the trial of the major Japanese war criminals which is now being conducted in Tokyo. Colonel Thomas Moss, O.B.E., M.C., Deputy Judge Advocate General, also proceeded to the Pacific theatre to be available for appointment to sit as a member of military courts trying Japanese war criminals in cases involving a Canadian interest.

BRITISH COMMONWEALTH AIR TRAINING PLAN

During the year under review this office collaborated with the Financial Adviser of the British Commonwealth Air Training Plan in connection with the preparation of an agreement with the United Kingdom settling the financial liabilities of the Governments of Canada and the United Kingdom upon the termination of the Plan.

DRAFTING OF PERMANENT FORCE PAY REGULATIONS

A representative of the Judge Advocate General acted as legal adviser to the Inter-Service Committee drafting uniform pay regulations for the peace time permanent forces of the three services.

LEGAL AID

This office under Canadian Army Routine Order 4130 of 1944, continued to be responsible for the general administration of Legal Aid for members of the Forces on active service and also dealt with the legal aid problems of all such personnel so serving at National Defence Headquarters. Directions were also given to the designated solicitors and others concerned with the welfare of overseas personnel in the several legal matters arising in the United Kingdom which had been referred to this office by Canadian Military Headquarters, England. During the period under review over 1,750 applications for legal aid were received and the necessary action initiated or taken in connection therewith. In addition, approximately 1,000 interviews were given to personnel seeking advice from the Legal Aid section of this office.

During January, 1946, all legal aid files of overseas personnel except those of personnel of the Canadian Army Occupational Force, were received in this office. In those cases where a file had been created in this office, the overseas file was amalgamated therewith and the remaining cases, when no file had been created by this office, were sent to Central Registry for registration and custody.

SERVICE OF LEGAL DOCUMENTS

During the past year the office of the Judge Advocate General has continued to serve legal process of Canadian Courts upon members of the Canadian Army serving overseas and in Canada and the service of legal documents emanating from the Service Divorce Department of the Law Society (England) on serving personnel in Canada has also been continued in reciprocation of the great assistance rendered by that Society to Canadian personnel overseas.

LEGAL AID (UNITED KINGDOM)

During the year under review cases continued to be referred to solicitors in Canada directly from Canadian Military Headquarters, England, copies of such references being forwarded simultaneously to this office in order that informed assistance could be given to such solicitors. The receipt of the overseas Legal Aid files mentioned above has been of great assistance in connection with this aspect of Legal Aid.

GRATUITIES

(The War Service Grants Act, 1944)

During the period under review this office assisted in the amendment of The War Service Grants Act, 1944; one or more officers from the office were in continuous attendance on the Parliamentary Committee on Veterans Affairs when that Committee was considering the Act. Files containing applications for benefits under the Act are frequently referred to this office by the three services for legal opinions with respect to eligibility for gratuities or credits. There was also continual liaison and consultation between this office and the Board of Review established under the Act for the purpose of reviewing applications for benefits where payment had been denied or withheld by the respective service.

REGULATIONS, ORDERS-IN-COUNCIL, ETC.

All draft submissions to the Governor-in-Council, the Minister and Treasury Board continue to be reviewed in this office for correctness as to form and substance,

and for appropriate endorsement in the case of submissions which are considered to be of a secret or confidential nature requiring non-publication. Frequent consultation with officers of the several branches of the Department is necessary in order that their precise intentions may be expressed correctly in the proposed regulations or orders. Orders which affect any of the services as a whole continue to be drafted in this office. During the period under review approximately 2,000 such submissions were drafted, redrafted or reviewed as to form and substance. A complete review was also undertaken of all orders and regulations made under the War Measures Act with a view to revoking such orders or continuing them under other appropriate authority.

DISPOSAL OF OFFICERS

Pursuant to the provisions of Appendix XII, King's Regulations and Orders (Canada) 1939, the files of all officers whose removal, retirement or reversion to reserve status has been recommended are forwarded to this office for examination in order that the legality of the proposed action may be determined before any such recommendation is submitted for the approval of the Minister.

CONTRACTS

Many of the contracts entered into by the Department during the year 1945-46, were prepared in this office, and all contracts entered into during that period were examined and approved as to form before being executed by the Minister or Deputy Minister.

INVENTIONS

All applications for patents made on behalf of the three services pursuant to the provisions of Order-in-Council P.C. 9750 dated 24th December, 1943, are dealt with in this office prior to forwarding to the patent solicitors for the final action. An officer from this office attends all meetings of the Army Consulting Committee and acts as legal advisor to the various Committees set up under the said Order-in-Council.

DEPENDENTS' ALLOWANCE BOARD

A senior officer from this office attends all meetings of the Dependents' Allowance Board. In addition to this, all questions relating to the interpretation of the regulations, all problems having to do with marital status and divorces and all decisions in regard to the obtaining of allowances or pay by fraud or misrepresentation are referred to this office and opinions are given which are binding upon the Board. Close to a thousand references on these matters have been written during the period in addition to very numerous other matters dealt with on the telephone.

REGIMENTAL FUNDS BOARD

A senior officer is a member of the Regimental Funds Board and all legal questions arising out of its operations are referred to this office.

LECTURES

During the period under review this office continued to supply lecturers on military law and related subjects as they were required at the Royal Military College and other schools of instruction.

PENSIONS AND CLAIMS BOARD

The Judge Advocate General as President of the Pensions and Claims Board continues to be responsible for the submission of all claims for service pensions granted under the provisions of the Militia Pensions Act. There has been a continued increase in the work of the Board by reason of the retirement or discharge of Permanent Force personnel who have been rejected for appointment to or enlistment in the Interim Force or re-organized Permanent Force.

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NATIONAL DEFENCE

STATEMENT No. 7- MISCELLANEOUS, MAINTENANCE AND ADJUSTMENTS,
WAR 1914-18

(ADJUSTMENT OF WAR CLAIMS)

EXPENDITURE 1945-1946

Miscellaneous Allowances.....	\$ 2.44
Civilian Employees.....	7,514.38
Headstones Canadian Graves.....	6,624.86
Miscellaneous Stores.....	409.61
Medals and Memorial Crosses.....	56.96
Grants—McGill University.....	1,000.00
	\$ 15,608.25
Expenditure for 1914-18 War up to 1944-45 including Naval...	\$1,599,232,439.22
	<u>\$1,599,248,047.47</u>

REPORT

OF THE DEPARTMENT OF

NATIONAL DEFENCE

FOR THE

FISCAL YEAR ENDING MARCH 31

1947



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

300-7-47 (228)
H.Q. 121-5-2

JUDGE ADVOCATE-GENERAL

COURTS-MARTIAL

During the year 1946-1947 a total of 2,723 proceedings of Courts-Martial were received and reviewed in this office. These proceedings covered all Courts-Martial held anywhere in the world for the trial of personnel of the Canadian Army and the Royal Canadian Air Force. The following table indicates the number and types of proceedings which were reviewed.

Place	General Courts-Martial	District Courts-Martial	Standing Courts-Martial	Field General Courts-Martial	Total
Canadian Army—					
(a) Canada.....	7	66	2,187		2,260
(b) Overseas.....	5			368	373
	12	66	2,187	368	2,633
Royal Canadian Air Force—					
(a) Canada.....	3	75			78
(b) Overseas.....	1	11			12
	4	86			90

CLAIMS

During the fiscal year 1946-47 this office brought to a final conclusion 4,264 claims and miscellaneous matters arising out of injuries to persons and damage to or loss of property.

The following table indicates the total amount paid or recovered by the Crown in respect of such claims, the number of new cases received during the fiscal year and the number of cases pending disposal as at 31st March, 1947:—

INJURIES TO PERSONS AND DAMAGE TO OR LOSS OF PROPERTY

ROYAL CANADIAN NAVY

Claims pending April 1, 1946.....	153	Claims closed during year ending March 31, 1947.....	212
Claims received during year ending March 31, 1947.....	103	Claims pending March 31, 1947.....	44
	256		256

CANADIAN ARMY

Claims pending April 1, 1946.....	1,838	Claims closed during year ending March 31, 1947.....	3,090
Claims received during year ending March 31, 1947.....	2,048	Claims pending March 31, 1947.....	796
	3,886		3,886

REPORT OF THE DEPUTY MINISTER

ROYAL CANADIAN AIR FORCE

Claims pending April 1, 1946.....	571	Claims closed during year ending March 31, 1947.....	714
Claims received during year ending March 31, 1947.....	353	Claims pending March 31, 1947.....	210
	924		924

LOSS OF REGISTERED OR INSURED POSTAL PACKETS

CANADIAN ARMY AND ROYAL CANADIAN AIR FORCE

Claims pending April 1, 1946.....	54	Claims closed during year ending March 31, 1947.....	115
Claims received during year ending March 31, 1947.....	71	Claims pending March 31, 1947.....	10
	125		125

ROYAL CANADIAN NAVY

Claims pending April 1, 1946.....	7	Claims closed during year ending March 31, 1947.....	26
Claims received during year ending March 31, 1947.....	22	Claims pending March 31, 1947.....	3
	29		29

CLAIMS FOR DAMAGE TO PROPERTY CAUSED BY GUNFIRE, EXPLOSIONS AND MISCELLANEOUS CAUSES

Claims pending April 1, 1946.....	99	Claims closed during year ending March 31, 1947.....	107
Claims received during year ending March 31, 1947.....	18	Claims pending March 31, 1947.....	10
	117		117

ACCOMMODATION

During the fiscal year ending 31st March, 1947, 78 leases and agreements were prepared and completed in connection with the procurement of property other than office accommodation for the use of the Department. The number of properties acquired for each of the respective services were:—

Navy.....	2
Army.....	70
Air Force.....	6
	78

The following table indicates the category of the properties acquired:—

	Buildings	Lands	Total
Navy.....	—	2	2
Army.....	54	16	70
Air Force.....	3	3	6
	57	21	78

The foregoing totals indicate a decrease of 42 leases and agreements by comparison with those of the preceding fiscal year. Figures for the last three years are as follows:—

1944-45.....	388
1945-46.....	120
1946-47.....	78

In addition to the above a large number of renewals of existing leases were effected which are not shown in the above figures.

During the fiscal year a large number of leases and agreements concerning the occupancy of property which had been entered into during the war have been terminated. This has resulted in an increase in the work handled in the Real Property Section of the office, as many questions regarding liability for restoration and related matters have arisen.

During the fiscal year the Department has purchased a number of properties which will be required on a permanent basis. This office has frequently been called upon to assist in negotiations connected with such purchases where legal advice was required.

During the fiscal year the Department leased or licensed to other parties a number of properties which were not immediately required but which had not been declared surplus. There were 48 agreements of this nature prepared by this office during the fiscal year.

LEGAL AID

This office, under Canadian Army Routine Order 4130 of 1944, continued to be responsible for the general administration of Legal Aid for members of the forces on active service as well as a number of personnel who had sought advice and had been referred to solicitors before discharge and whose actions were not completed prior to their discharge.

All Legal Aid problems relating to personnel serving at National Defence Headquarters were either completed by this office or in cases where Court Actions were necessitated the personnel were referred to the local barristers who acted on behalf of this personnel in accordance with the Legal Aid arrangement completed between the Canadian Bar Association and the Department of National Defence.

Directions were also given to the designated solicitors and Welfare Bureaux concerned with the Welfare of Overseas Personnel in the legal matters arising in the United Kingdom which had been referred to this office by Canadian Military Headquarters, London, England.

During the period under review over 1,500 applications for Legal Aid were received and the necessary action initiated or taken in connection therewith. Approximately 900 interviews were given by the Legal Aid Section of this office to personnel seeking advice or legal assistance.

During January 1947 all Legal Aid files of Overseas personnel, including those of the Canadian Army Occupation Force, with the exception of those files forwarded in January 1946, were received in this office. The process of amalgamating these files with files which were created at this Headquarters was continued.

SERVICE OF LEGAL DOCUMENTS

During the past year the office of the Judge Advocate-General has continued to arrange for service of legal process of Canadian Courts upon members of the Canadian Army serving Overseas and in Canada. The service of legal documents emanating from the Services Divorce Department of the Law Society

(England) on serving personnel in Canada has also been continued in reciprocation of the assistance rendered by that Society to Canadian personnel Overseas.

A great number of requests for service from the Law Society (England) on personnel who had since been discharged from the Army was received by this Office, and in accordance with Departmental policy and regulations, the Law Society were informed that correspondence or documents addressed to ex-service personnel "c/o Director of Records, National Defence Headquarters", would be forwarded to the last known place of residence.

LEGAL AID UNITED KINGDOM

During the year under review cases continued to be referred to solicitors in Canada directly from Canadian Military Headquarters (England), copies of such references being forwarded simultaneously to this office in order that assistance could be given to the solicitors to whom the case was referred. The fact that the Legal Aid Section (United Kingdom) closed on toward the end of the fiscal year reduced almost to a minimum the number of references received by this office.

INVENTIONS AND PATENTS

All applications for Patents made on behalf of the three services, pursuant to the provisions of Order-in-Council P.C. 9750 dated 24th December, 1943, as amended, were dealt with in this Office prior to forwarding the application to Patent Solicitors for the final action. An officer from this office gave a great number of interviews to personnel from Directorates of all three services in which the various legal implications regarding the application for patents were discussed. A considerable number of claims by personnel who had submitted suggestions to the Department via the Suggestion Box were received, and the claims of these persons were dealt with in the appropriate manner.

THE PENSIONS AND CLAIMS BOARD

The Judge Advocate-General as President of the Pensions and Claims Board continues to be responsible for the submission of all claims for Service Pensions granted under the provisions of the Militia Pension Act. There has been a continued increase in the work of the Board by reason of the retirement or discharge of Permanent Force personnel who have been rejected for appointment to, or enlistment in, the Interim Force or in the reorganized permanent naval, military or air forces. The work of the Board was further greatly increased by the addition of Part V to the Militia Pension Act, and as a result thereof the stenographic assistance to the Board was temporarily tripled in order that Service Pensions for retired or discharged personnel might be expedited.

Part V of the Militia Pension Act entailed a great deal of additional supervision of the administrative details resulting therefrom throughout the three services, and as a result thereof the liaison between this office and other Directorates was greatly increased.

WAR SERVICE GRATUITIES

Files containing applications for benefits under the War Service Grants Act 1944 are frequently referred to this Office by the various service authorities. In addition the Dependents' Allowance Board frequently requests assistance in carrying out responsibilities placed upon it in regard to the gratuities of members or ex-members of the forces who have died either in the service or after discharge but before gratuity payments have been completed.

The War Service Gratuities Board of Review has also consulted this Office on various occasions with regard to its functions and jurisdiction. In particular

that Board has raised several difficult problems regarding the propriety or sufficiency of discharges from the forces.

DEPENDENTS' ALLOWANCE BOARD

During the period under review the volume of work from the Dependents' Allowance Board has decreased very appreciably consequent upon the discharge of large numbers of service personnel and the transfer of many others to the Permanent Forces to whom the Dependents' Allowance Board regulations do not apply.

The problems most often referred by the Dependents' Allowance Board are:—

- (a) the validity of marriages
- (b) the propriety of ordering recovery of allowances improperly paid.

In the first class of cases these opinions are now required almost solely for the purpose of confirming allowances already paid.

DISPOSAL OF OFFICERS

Pursuant to the provisions of Appendix XII, King's Regulations and Orders (Canada) 1939, the files of all officers whose removal, retirement or reversion to reserve status has been recommended are forwarded to this office for examination in order that the legality of the proposed action may be determined before any such recommendation is submitted for the approval of the Minister.

CONTRACTS

Many of the contracts entered into by the Department during the year 1946-47 were prepared in this office, and all contracts entered into during that period were examined and approved as to form before being executed by the Minister or Deputy Minister.

LECTURES

During the period under review this office continued to supply lecturers on military law and related subjects as they were required at the Royal Military College and other schools of instruction.

REGULATIONS, ORDERS-IN-COUNCIL, ETC.

All draft submissions to the Governor-in-Council, Treasury Board and the Minister are reviewed in this Office for approval as to form and substance. Frequent consultation with officers of the several branches of the Department is necessary in order that their precise intentions may be expressed correctly in the proposed regulations or orders. While most orders are drafted in the originating branch, the more important orders are drafted in this Office.

During the year a complete review was made of all orders and regulations made under the War Measures Act in order that they could either be continued in the form of permanent legislation or revoked. This review has now been completed and all War Measures Orders relating to the Department have been either revoked or continued in some other form.

WAR CRIMES

During the year under review, numerous matters arising out of the conviction of war criminals under the War Crimes Regulations (Canada) have been referred to the Judge Advocate-General for action or advice. On matters concerning war criminals generally, there has been constant liaison with the Department of External Affairs and considerable discussion and correspondence has taken place with that Department on this subject in general.

GENERAL

The Post War organization of the Office of the Judge Advocate-General was put into effect during the year under review and as of the 31st March, 1947, only three officers additional to the Post War establishment were employed. The services of these officers will be terminated on the 31st August, 1947. Under the Post War organization, all the legal services for the armed forces and the Department of National Defence will be carried out by the Office of the Judge Advocate-General, and all legal officers, clerical and stenographic staff will be carried on one establishment. Such personnel as are required to perform legal duties in the several Commands will be assigned thereto on the recommendation of the Judge Advocate-General, and in respect of legal duties, will be directly responsible to him.

While by reason of demobilization, there has been a considerable diminution in the volume of work compared with that which existed during the war years, nevertheless, the volume remained considerable and with the great reduction in the legal staff, it was barely possible to keep pace with the work which had to be performed.

REPORT

OF THE DEPARTMENT OF

NATIONAL DEFENCE

FOR THE

FISCAL YEAR ENDING MARCH 31

1948



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1948

8-48 (1411)
Q. 200-5-2

JUDGE ADVOCATE GENERAL

(a) COURTS MARTIAL

During the year 1947-48 a total of 165 proceedings of Courts Martial were received and reviewed in this Office. The following table indicates the number and type of proceedings which were reviewed:—

Service	General Courts Martial	District Courts Martial	Total
Canadian Army.....	3	127	130
R.C.A.F.....	2	33	35
TOTAL.....	5	160	165

In addition to these reviews, petitions against finding or sentence were reviewed and, in many instances, submissions to the Governor General in Council in respect thereto were prepared.

In total, 476 files concerning Courts Martial, their preparation and review were dealt with.

(b) CLAIMS

During the fiscal year 1947-48, this Office brought to a final conclusion 1,639 claims arising out of injuries to persons or damage to or loss of property.

The following table indicates the number of claims dealt with during the fiscal year and the number of cases pending disposal as at March 31, 1948, together with the total amounts paid or recovered by the Crown in respect of such claims. These figures include overseas claims which have been referred to this Office since January, 1948, when the Canadian Claims Commission Overseas was disbanded.

INJURIES TO PERSONS AND DAMAGE TO OR LOSS OF PROPERTY

ROYAL CANADIAN NAVY			
Claims pending April 1, 1947.....	44	Claims closed during year ending March 31, 1948.....	87
Claims received during year ending March 31, 1948.....	95	Claims pending March 31, 1948.....	52
	139		139
Amount paid by Crown.....			\$59,986.35
Amount received by Crown.....			\$ 1,826.87
CANADIAN ARMY			
Claims pending April 1, 1947.....	795	Claims closed during year ending March 31, 1948.....	1,232
Claims received during year ending March 31, 1948.....	838	Claims pending March 31, 1948.....	402
	1,634		1,634
Amount paid by Crown.....			\$170,372.64
Amount received by Crown.....			\$ 15,038.73

REPORT OF THE DEPUTY MINISTER

INJURIES TO PERSONS AND DAMAGE TO OR LOSS OF PROPERTY—Concluded

ROYAL CANADIAN AIR FORCE

Claims pending April 1, 1947.....	210	Claims closed during year ending March 31, 1948.....	285
Claims received during year ending March 31, 1948.....	204	Claims pending March 31, 1948.....	129
	414		414
Amount paid by Crown.....	\$88,189.76		
Amount received by Crown.....	\$19,885.49		

LOSS OF REGISTERED OR INSURED POSTAL PACKETS

Claims pending April 1, 1947.....	13	Claims closed during year ending March 31, 1948.....	13
Claims received during year ending March 31, 1948.....	1	Claims pending March 31, 1948.....	1
	14		14
Amount paid by Crown.....	\$622.62		

CLAIMS FOR DAMAGE TO PROPERTY CAUSED BY GUNFIRE EXPLOSION AND MISCELLANEOUS CAUSES

Claims pending April 1, 1947.....	10	Claims closed during year ending March 31, 1948.....	22
Claims received during year ending March 31, 1948.....	22	Claims pending March 31, 1948.....	10
	32		32
Amount paid by Crown.....	\$6,834.85		

(c) ACCOMMODATION

In the procurement of property other than office accommodation for the use of the Department, 137 leases and agreements were completed during the fiscal year. Several leases and agreements entered into during the war were terminated, and questions concerning liability for restoration were dealt with. In anticipation of the ending of Commercial Rental Control Regulations, many wartime leases were re-negotiated, to place the Crown's occupancy on a more certain basis and to define more particularly the rights of the parties.

The Department leased or licensed to other parties a number of properties not immediately required. Advice on numerous agreements of this nature prepared otherwise than by this office was given. Also, all agreements affecting electrical, sewage, water and miscellaneous services were looked into before being executed in behalf of the Department.

(d) LEGAL AID

During the year, the last of the cases being dealt with by the Judge Advocate General, in accordance with the system established during the war, were concluded. In exceptional cases, a modified form of legal aid is now being provided by this office to members of the active forces. A main purpose of this aid is advising the applicant as to whether he should retain a solicitor of his own choice.

(e) DEPENDENTS' ALLOWANCE BOARD REFERENCE

As the work of the Dependents' Allowance Board decreased greatly, references by the Board decreased substantially during the year.

(f) INVENTIONS AND PATENTS

On May 14, 1947, amendments to the Patent Act went into effect which provided that all inventions relating to instruments or munitions of war involving the safety of the state shall be held in the name of the Minister of National Defence. A representative of this office gave evidence as required before the House of Commons committee which considered the amendments.

As a matter of policy, it was decided that all secret applications for patents would be drafted by an officer in the Office of the Judge Advocate General and that all other applications would be forwarded to patent solicitors for final action prior to the filing of the application.

During the Year, a system was set up whereby the Commissioner of Patents, the Atomic Energy Control Board and the Department of National Defence exchanged information concerning current developments in research and invention. The Commissioner of Patents forwarded to the Judge Advocate General complete volumes of the Patent Office Records from 1918 to the present.

Claims for compensation arising from suggestions and inventions submitted, under Order in Council P.C. 9750 of December 24, 1943, by civilian and ex-service personnel, were forwarded to the Office of the J.A.G. for settlement. The majority of the claims were settled amicably.

(g) LEGISLATION

During the latter part of the 1947 Session, Parliament passed amendments to the National Defence Act, the Militia Act and the Militia Pension Act. In addition, progress was made in drafting the proposed new National Defence Act.

(h) DISPOSAL OF OFFICERS

This office examined the files of all officers whose removal, retirement or reversion to reserve status were recommended. This was done to determine the legality of the proposed action.

(i) MILITIA PENSION ACT

As President of the Pensions and Claims Board, the J.A.G. administers the Militia Pension Act.

Six hundred and eight cases involving benefits under Parts I-IV of the Militia Pension Act were passed by the Pensions and Claims Board and approved by the Governor in Council and 2,108 cases under Part V were similarly disposed of.

(j) SERVICE ESTATES

Between August 31, 1947, the date on which the Judge Advocate General was appointed Director of Estates, and March 31, 1948, five hundred and sixteen estates were closed. Four hundred and forty-four are outstanding.

DEPENDENTS ALLOWANCE BOARD

The work of the Dependents Allowance Board decreased progressively until September 30, 1947, when the remaining Active Service Forces were demobilized. The Board continued to function after that date to service the accounts of personnel retained in the Services, to conclude the demobilization process, to review claims for adjustments, and to provide information on War Service Gratuity benefits. Included in the adjustments were cases where the dependents were in hospital and unable to look after their own affairs, and those of dependents who had been in enemy occupied territory. It is likely that considerable additional time will be required for the settlement of the latter type of cases.

On March 31, 1948, a staff of 21 was still employed by the Board, including three members of the Board.

DEPENDENTS BOARD OF TRUSTEES

The Dependents Board of Trustees continued to deal with applications received prior to January 15, 1947. All records were forwarded to Ottawa by District Advisory Committees and have subsequently been turned over to the Dependents Allowance Board for reference purposes.

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NATIONAL DEFENCE

STATEMENT No. 7—MISCELLANEOUS, MAINTENANCE AND ADJUSTMENTS,
WAR 1914-18

(ADJUSTMENT OF WAR CLAIMS)

EXPENDITURE 1947-1948

Civil Salaries and Wages.....	\$	11,643.03
Purchase and Erection of Headstones in Canada.....		8,707.67
Sundries, including War Medals and Decorations, Museum Materials and Supplies.....		5,632.69
Grant McGill Medical Museum.....		200.00
		<hr/>
	\$	26,183.39
Expenditure for 1914-18 War up to 1946-47, including Naval.....		1,599,269,241.21
		<hr/>
	\$	1,599,295,424.60

REPORT

OF THE DEPARTMENT OF

NATIONAL DEFENCE

FOR THE

FISCAL YEAR ENDING MARCH 31

1949



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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1949

SM-7-49 (2537)
H.Q. 121-6-4

140. The staff was drawn from the former organizations and new staff recruited from commerce graduates from various universities, many of them with experience in commercial accounting and auditing. The staff is distributed among the Headquarters office and offices located in Halifax, Ottawa, Toronto, Winnipeg and Vancouver.

141. The scope of the present audit embraces all stores and financial accounting, including cash, service pay and certain non-public funds. Its primary function, however, is the appraisal of the accounting systems employed by the three services from the viewpoint of their adequacy and of the control they afford over public funds and property. At the request of the Defence Research Board, similar audits are also being made of establishments under the Board's jurisdiction.

142. During the first year's operation, a total of 195 inspections and audits have been completed, embracing all major establishments of each of the three services and a representative number of smaller units. Special investigations have also been carried out by the chief auditor.

143. Despite its recent organization, good results have already been achieved by the branch which should prove beneficial in the interest both of the public and the services in the attainment of highest standards of efficiency and economy.

DEPENDENTS' ALLOWANCE BOARD (also DEPENDENTS' BOARD OF TRUSTEES)

144. Following the demobilization, on September 30, 1947, of the remaining active service forces, Dependents' Allowance continued in payment on the accounts of approximately 220 personnel retained in the services to conclude the demobilization. Payment on the last of these accounts ended during the month of March 1948.

145. Since March 31, 1948, the continuing work of the Dependents' Allowance Board has been to review claims for adjustments of Dependents' Allowance, to furnish information in reply to enquiries respecting cases dealt with by the Board and by the Dependents' Board of Trustees, to complete the operations of both Boards and to provide information in relation to War Service Gratuity Benefits as required from the Dependents' Allowance Board under the provisions of the War Service Grants Act 1944.

146. During the fiscal year under review the work of the Board decreased and the staff was progressively reduced, until, by Order in Council P.C. 1569 of March 31, 1949, and with effect from April 1, 1949, the control of the Dependents' Allowance Board was transferred from the minister of National Defence to the minister of Veterans Affairs.

JUDGE ADVOCATE-GENERAL

147. During the year the office of the Judge Advocate-General was charged with responsibility for all three services as well as the department and the Defence Research Board. Legal duties required by the several commands of the three services are performed by officers who are on the establishment of the office, but who are assigned to the appropriate commands.

148. During the year 1948-49, 191 District Courts-Martial and 1 General Court-Martial, held for the trials of army personnel and 34 District Courts-Martial and 2 General Courts-Martial held for the trials of R.C.A.F. personnel were received and reviewed.

149. The majority of offences tried by Courts-Martial related to desertion or absence without leave. The number of more serious offences tried was comparatively small.

150. In addition to the review of proceedings, a number of petitions against finding or sentence, which involved questions of law, were examined.

151. During the year the claims section brought to conclusion 1,280 claims arising out of injuries to persons or damage to or loss of property. The claims section also gave legal aid to approximately 350 members of the three services.

152. Eighty per cent of the claims by or against the Crown were attributable to vehicle accidents, the balance of miscellaneous causes such as aircraft accidents, fires, explosions and so on.

153. The program of the Joint Services Accident Prevention Campaign has begun to have noticeable results. The number of claims attributable to vehicle accidents has decreased by 13% in the period under review compared with the previous year.

154. During the fiscal year, 193 leases and miscellaneous agreements in respect of real property for the use of the department were prepared, an increase of 56 leases and miscellaneous agreements over the previous fiscal year. The increase in the main consists of agreements to place the Crown's occupancy on a more permanent basis and to obtain accommodation for married quarters, etc.

155. The office of the Judge Advocate-General continues to assist personnel of the active forces with their legal problems in the modified manner agreed upon by this department and the Canadian Bar Association after the end of the war, mainly advising whether the serviceman should retain a solicitor of his own choice and at his own cost to look after his interest.

156. The office of the Judge Advocate-General is responsible for all legal aspects relating to suggestions, inventions and applications for letters patent, originating either within the department or from civilian sources outside within the ambit of Section 19A and B of the Patent Act. This department is only interested in devices which can be properly termed munitions, or instruments of war involving the safety of the state.

157. A procedure has been adopted within the department which will protect the interest of either a service or civilian inventor, and ensure that a confidential date of publication is established within the department. By this procedure the technical officers of the department may investigate thoroughly the merits of the device submitted and yet fully protect the interests of the inventor.

158. The drafting of a proposed new National Defence Act has been a major activity of the office during the year. This act is designed, for the first time since 1868, to put all legislation relative to defence in a single statute and also to have a single and entirely Canadian code of discipline for all three services. Drafts have been prepared and submitted to the appropriate authorities for examination and comment, resulting in a large number of re-drafts. Close attention has also been given to legislative developments in other countries.

159. As President of the Pensions and Claims Board, the Judge Advocate-General is responsible for the administration of that statute, and is required to co-ordinate the legal questions involved with the administration which is necessary.

160. The complete transfer to the Chief Treasury Officer, Department of National Defence, of all payments required to be made under the Militia Pensions Act, heretofore made by the Department of Veterans Affairs, has aided in administrative convenience and efficiency. A check of the statistical data which must be kept by the Militia Pension Act section of the Judge Advocate-General's office, and by that of the Chief Treasury Officer of National Defence, can be made at short notice and within the department. Likewise there has been established the necessary liaison between the administrative and disbursing authorities so far as the statute in question is concerned.

161. There were 658 service estates closed during the year under review, in addition to which the distribution of personal effects was performed in 176 cases.

IMPERIAL WAR GRAVES COMMISSION, CANADIAN AGENCY

162. The Imperial War Graves Commission, a Commonwealth body for the care and construction of war cemeteries and memorials, has its Canadian agency, headed by the minister of National Defence, which, with a Secretary-General and a small staff, carries out the Commission's program in the U.S.A. and Canada. The agency works in co-operation with all branches of the Department of National Defence, External Affairs, Veterans Affairs and the R.C.M.P., and has the important function of supplying information as to war graves to the government and general public.

CANADIAN BATTLEFIELDS MEMORIALS COMMISSION

163. This Commission, appointed in 1920, is charged with the maintenance of the sites and roads of access of eight Canadian war memorials commemorating the exploits of our forces in the Great War, 1914-18. Of these eight, five are located in France, at Vimy, Dury, Bourlon Wood, Courcellette and Le Quesnel; and the remaining three in Belgium at St. Julien, Passchendaele and Hill 62 (Sanctuary Wood). Under the Commission there is a supervisor of Canadian battlefields memorials in France and Belgium, with headquarters in France.

PRINTING AND STATIONERY

164. During the year the three printing and duplicating services of the Navy, Army and Air Force were amalgamated and placed under the jurisdiction of the King's Printer.

165. Equipment involved becomes the charge of the Public Printing and Stationery Department.

166. Under this new arrangement facilities not previously existing are made available to the King's Printer for the handling of confidential work required by other departments of the administration.

BOOK OF REMEMBRANCE, SECOND WORLD WAR

167. As a companion to the Book of Remembrance containing the names of Canadians who fell in the Great War, 1914-18, a second book is in preparation to commemorate the Canadian dead of the Second World War. It will contain the names of almost 45,000 Canadians who were killed or who died while serving in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force. The names are recorded in alphabetical order, by year of death, and are being written by hand on sheets of fine calfskin vellum. Eventually each of the 539 pages in the work will be fully illuminated and the book will be deposited in an appropriate place, corresponding to the location in the Parliament Buildings of its predecessor, the first Book of Remembrance.

WAR CRIMES TRIALS

168. The prosecution of war criminals in the Orient for crimes in which Canada was directly concerned was completed during 1948-49.

REVISED CONVENTIONS FOR PROTECTION OF WAR VICTIMS

169. Two Army officers attended the 17th International Red Cross Conference at Stockholm, Sweden, August 20-30, 1948, where drafts of the four Conventions for the Protection of War Victims were discussed. Following the Stockholm Conference, an Inter-Service Committee made a detailed study of the three revised draft conventions pertaining to the armed forces. An Army officer also assisted the Department of External Affairs in its study of the fourth draft convention relating to civilians.

CAMPAIGN AWARDS

170. The work of determining entitlement to campaign awards has been almost completed. A sub-committee of the Inter-Service Records Committee, including representatives of the Department of Veterans Affairs as well as the three services, has arranged details for distribution of these awards. The services will be responsible for issue to regular and auxiliary personnel and the Department of Veterans Affairs for distribution to other veterans and the next-of-kin of casualties.

BENEVOLENT FUNDS

171. Benevolent funds are set up in respect of each of the three services to relieve distress among members or ex-members of the forces. The funds are composed of canteen profits, private contributions and other sums secured for the purpose from non-public sources.

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REPORT

OF THE DEPARTMENT OF

NATIONAL DEFENCE

FOR THE
FISCAL YEAR ENDING
MARCH 31
1950



OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

1500-12-50 (4106)
H.Q. 1700-3-49

72. The tri-service series of half-hour radio programs (entitled "Comrades in Arms" on the C.B.C. English network, and "Tambour Battant" on the C.B.C. French network) was resumed in the autumn, and continued to the end of the fiscal year. After January 1, additional time on these programs was devoted to reserve recruiting, and short programs, also directed at arousing public interest in the reserves are being recorded for wide distribution and use.

73. Other advertising media used were daily and weekly newspapers, roto-gravure sections, magazines, billboards, streetcar cards, pamphlets, leaflets and spot radio announcements. The second post-war "Army Week" was held from May 15 to May 22, 1949, launching the year's recruiting campaign for the Army. The campaign was successful in obtaining recruits at the desired rate for both the active and reserve forces.

74. Recruiting facilities of the R.C.A.F. regular force, have been placed at the disposal of the reserve units to assist them in bringing their strength up to establishment and also to obtain candidates for special training courses with regular units.

75. Because of the reduced requirement for the R.C.A.F. (regular) as the force approached its authorized ceiling, it was decided that the number of recruiting units could be decreased. The unit at Windsor, Ont., was closed in February 1950 and six more will be disbanded in the near future. This will leave twelve units still in operation.

76. During the fiscal year 1949, a total of 165 officers and 1,652 men were attested into the Royal Canadian Navy. In the R.C.N. reserve there was an increase of 329 officers and 219 men.

77. The Army active force enlisted 283 officers and 3,039 other ranks, while the reserve force increased by 606 officers and 6,130 other ranks.

78. The R.C.A.F. regular force enlisted 156 officers, 357 flight cadets and 2,978 airmen and the reserve force increased by 207 officers and 735 airmen. The supplementary reserve, a pool of partially trained personnel, organized during the past two years, numbers 20,654 officers and 25,238 airmen.

PAY AND ALLOWANCES

79. Basics rates of pay and of marriage and subsistence allowances were changed in only one respect from those prevailing in the previous fiscal year. It was made possible for those holding the rank of Lieutenant in the Navy, or the equivalent ranks of Captain in the Army and Flight Lieutenant in the R.C.A.F., to receive an increase from \$243 to \$258 per month after nine years in rank. Scales of pay and allowances are shown in the appendices.

JUDGE ADVOCATE GENERAL

80. The office of the Judge Advocate-General is responsible for the legal duties required to be performed for the Department, the three services and the Defence Research Board. These duties are performed by a small staff of legal officers of the three services at Ottawa and officers in the Service commands who are directly responsible to the Judge Advocate-General. The experience of the year under review has served further to indicate that amalgamation of these duties results in efficiency and substantial economy.

81. During the year 1949-50, 7 courts-martial were held for navy personnel; 213 district courts-martial and two general courts-martial were held for the trial of army personnel and 23 district courts-martial and four general courts-martial for the trial of air force personnel. Officers of the office of the Judge Advocate-General sat as Judge Advocates on all courts that were of any importance and the proceedings of all the courts were received and reviewed. The majority of offences tried related to desertion, absence without leave and losing service kit and equipment by neglect. The number of more serious offences tried was small. In addition to the review of all proceedings, a number of petitions involving questions of law were examined and reported upon.

82. During the year the claims section of the Office brought to conclusion 1,021 claims arising out of injuries to persons and loss of or damage to property. The majority of the claims dealt with related to vehicle accidents. The remainder related to aircraft accidents, fires, explosions and other miscellaneous causes. There was during the year a substantial decrease in the proportion of claims arising out of motor vehicle accidents to the number of miles travelled as compared with the preceding year. This was, to a large extent, due to the continuation of the Joint Services Accidents Prevention Campaign.

83. During the year 220 leases and miscellaneous agreements in respect of real property for the use of the Department were prepared in this office, an increase of 27 leases over the previous fiscal year. In addition, the legal aspects of a very large number of real estate transactions were dealt with.

84. The office continued to assist personnel of the active forces with their personal legal problems.

85. The legal aspects of all inventions and suggestions relating to defence and originating either within the Department or the services or from civilian sources were dealt with by the office in co-operation with the Commissioner of Patents, and assistance was given in the preparation of numerous applications for Letters Patent.

86. The National Defence Act was introduced in the Senate during the first session of the present Parliament. It was considered by the Banking and Commerce Committee and with minor amendments was passed by the Senate on December 8th, 1949. Time did not permit its introduction in the Commons prior to prorogation of Parliament and it is to be introduced in the House of Commons in the course of the next session.

87. The preparation of the regulations necessary for the implementation and administration of the Act has been taken in hand and substantial progress has been made. It is anticipated that it will be possible to complete these regulations and bring them into effect by December 31, 1950.

88. The Judge Advocate-General as President of the Pensions and Claims Board is charged with the administration of the Militia Pension Act. The number of pensions and other recurring benefits granted during the fiscal year under Parts I to IV of the Act was 140 and under Part V was 33. The number of non-recurring benefits was 2,424. Constant liaison is maintained between the Pensions and Claims Board staff and the Chief Treasury Officer of the Department who is responsible for all payments made under the Act.

89. The Judge Advocate-General as Director of Estates is charged with administration of service estates. There were 328 service estates closed during the year and in addition distribution of personal effects was carried out in 106 cases.