

We owe it to ourselves and to the honour of our calling to reject any aim or goal which would debase the profession. Thus, to those who believe that law is nothing more than the handmaiden of Business, we would say this:— The logical application of this philosophy would mean that lawyers would become nothing more than parasites doomed to the servile and destructive occupation of nibbling at the fringes of enterprise. If law is nothing more than the handmaiden of Business, or Government, then the rule of law becomes little more than the tool of the powerful. Surely our legal system should exist for the benefit of the many.

Our legal system, so far as legal training is concerned, should strive to give expression to these ideals. Our Law School is the means; the excellence of our profession is the end. Law students and lawyers might with credit, adopt the ancient dictum of that great philosopher-lawyer, Francis Bacon, which is the motto of the British Institute of Actuaries: "I hold every man a debtor unto his profession, from the which as men of course do seek to obtain countenance and profit, so ought they endeavour by way of amends to be a help and ornament thereto."

J. C. H.

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COURT MARTIAL APPEALS

It is with interest that members of the legal profession, especially those with a military background, learn of the establishment of an Appeal Board for Courts Martial. This is an overdue step in the right direction. Little has been published in connection with the matter and it is to be presumed that the Board will come under the jurisdiction of the Judge Advocate General's Branch, and will be comprised of officers with legal training.

The practice in Canada has been to have an Assistant Judge Advocate General in attendance at Courts Martial, but, this has not always been possible. Due to the exigencies of the service and operational commitments, Assistant Judge Advocates General often are not available to attend the various Courts Martial held in scattered parts of the large military commands. This results, in many cases, in Courts Martial being held with no proper legal guidance.

Before the institution of the Appeal Board, Area Commanders had the power to mitigate sentences handed down from the courts in their area. This, however, was not in the nature of an appeal. It was solely the opinion of the Area Commander on perusing the record of the Court. This practice will no doubt continue, but with the added assurance to the accused that his case will be heard by a board of officers trained in law.

It is an integral part of every officer's training to study the military law as contained in the regulations. Legal officers have the advantage of their training in distinguishing points of law and rules of evidence which arise during a hearing.

With the tremendous expansion of the services during war time it is natural that Courts Martial increase in number. Officers who sit as members are very often reservists who have been called up or younger officers commissioned in peace time. Many of these have no knowledge whatsoever of Courts Martial procedure with the result that the accused could suffer some measure of injustice. It is true that the Judge Advocate General's Branch review these Courts Martial; but review will not thwart a miscarriage of justice.

It will be argued by some that these officers should know their military law, or that they should not be detailed for Courts Martial; but with an expansion, as in the last war, of from six thousand to over half a million personnel in the armed forces, it is impossible to find the qualified personnel available as needed. Field units and units in isolated districts have little hope of finding legally trained personnel for Courts Martial work.

During the last war permanent Courts Martial boards were set up in various districts. These usually included officers with legal training and operated successfully. However, they could not be compared with a court of first instance, and their decisions were final, subject to approval of the Area Commander. In no way did they resemble a Court of Appeal.

It is not known at this time what, if any, regulations will govern appeal from a District, Field or General Court Martial to this new Board. It is to be hoped that the rules of procedure will not govern the appeal too stringently.

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During the spring term five evening seminars were held. They were designed to stimulate student interest and to be of practical use. All seminars were well attended. Speakers and topics were: Hon. Dr. A. P. Paterson (Constitutional Relationship between Dominion and Provinces); B. R. Gass (Office Administration); Judge Comeau (The Lawyer's Relation with Juvenile Problems); G. Earle Logan (Divorce Practise); E. N. Huestis (Probate and Administration Practice).

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