

OFFICE OF THE
JUDGE ADVOCATE GENERAL



CABINET DU
JUGE AVOCAT GÉNÉRAL

MEMORANDUM

1456-2-3 (DJAG/L)

NOTE

/7 Nov 90

D Hist

**BRIG R.J. ORDE -
INTERVIEWS - REQUEST FOR ACCESS**

Refs: A. 2130-2 (D Hist) 11 May 90
B. 2130-2 (D Hist) 29 May 90
C. 1456-2-3 (D Law/HRI) 26 Jun 90

1. At Ref A you requested opinions as to whether the transcript of the interview with Brig Orde on 27 Aug 74 could be reclassified and released to Professor J.L. Granatstein of York University. Professor Granatstein has given you assurances that he will use personal data on individuals still living, or dead less than 20 years, only for statistical purposes. Many of the opinions expressed by Brig Orde in his interview are, to say the least, uncomplimentary. They do constitute personal information under the **Privacy Act** for those individuals who are mentioned by Brig Orde. Therefore, they can only be released to a third party either with the consent of the individual mentioned or pursuant to one of the release provisions in section 8(2) of the **Privacy Act**. Para 8(2)(j) permits the release of personal information:

"...to any person or body for research or statistical purposes if the head of the government institution

(i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and

(ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates".

2. In light of the above, if Professor Granatstein gives a written undertaking in accordance with paragraph 8(2)(j) of the **Privacy Act**, in my opinion there would be no violation of the **Privacy Act** to release the transcript to him. The decision in this respect must come from the Privacy Co-ordinator as he is the person who has been authorized to exercise the authority of the Minister in this regard. However, I understand from your letter at Ref A that the Privacy Co-ordinator has already agreed to the release of the document.

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3. As to the question of changing the classification on the document, in my opinion there is no difficulty in changing from a security classification of Confidential to the Protected B category. This is in keeping with the intent of those terms in light of the changes in the Government Security Policy since the document was created.

4. Despite the above, a serious difficulty remains with the release of the transcript in its present form. Many of the comments by Brig Orde could be considered defamatory. Anyone involved with publishing defamatory material is liable should a successful suit be initiated. The law with respect to defamation considers those who provided the material that was ultimately published parties to the publication. As a result, should Professor Granatstein or some other person ultimately publish material from the transcript that is found to be defamatory, DND may be liable for the release of the material to Professor Granatstein. Therefore, in addition to the written undertaking by Professor Granatstein with respect to the release of personal information concerning individuals who have been dead for less than 20 years, I recommend that you also obtain a document from Professor Granatstein agreeing not to publish any defamatory material and to indemnify and hold harmless DND and all those involved with authorizing the release of the transcript to him, should the material be published and a suit initiated. You may wish to discuss this aspect with LCol Rycroft, the Director of Law/Claims, as he should be able to assist in the wording of any such document.

5. My apologies for the delay in responding to your request. I trust the above opinion meets your requirements. If I may be of further assistance, please contact me.

RA-McDonald

R.A. McDonald
Col
DJAG/L
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TRANSCRIPT OF INTERVIEWS WITH BRIGADIER
GENERAL ORDE.

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4. DEVELOPMENT OF OFFICE OF JUDGE ADVOCATE GENERAL, FROM MILITARY
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6. MORE HISTORY OF EARLY DAYS OF JAG

7. B GEN ORDE NOW JUDGE ADVOCATE GENERAL - 1920.

8, 9, 14. DUTIES OF JAG IN EARLY YEARS, ANECDOTES, OPERATION OF
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29 May 73

Director

1. The Director met with Brigadier Lawson, the Senior Historian, Mr. Goss of the J.A.G. office and Mr Hillmer on 28 May. They discussed the interviewing of Brigadier R.J. Orde, C.B.E., Q.C., C.St.J., who was Legal Officer, office of J.A.G., Mil. Dep., 1918; Ass't J.A.G., 1919; J.A.G. (Army), 1920 and JAG(DND), 1923-50.
2. The interviewing of Brigadier Orde is a J.A.G. project to which Mr. Goss has been assigned for the summer. D Hist has agreed to help, for obvious reasons, but it was accepted that the burden of preparation and secretarial work will fall on J.A.G.
3. It was agreed that Brigadier Orde was an excellent subject not only for an interview, but a series of interviews.
4. The method of recording the interview was discussed. J.A.G. court reporters might be available for the project but the Senior Historian pointed out the usefulness of having the Brigadier's voice on tape. Both methods, of course, could be used simultaneously. No final decision was reached on the matter.
5. A number of possible subject headings for the interviews were suggested:
 - a. Creation of the C.A.F. and R.C.A.F.
 - b. Creation of Department of National Defence
 - c. History of J.A.G.
 - origin; expansion; internal organization; appointment of Price Montague as J.A.G. overseas etc.
 - d. Visiting Forces Act - origins and history (2 interviews?)
 - e. BCATP - origins and history (did J.A.G. concern itself with the large transfers of land for airfields?)
 - f. Pensions
 - g. Estates (Ordnance ^{and} ~~2nd~~ Admiralty Lands -- when handed over?)
 - h. Administration of Military Justice
 - i. Aid to the Civil Power
 - j. War-Time Relations with Allies
 - k. Inventions Board
 - l. National Defence Act
 - m. Miscellaneous

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6. Brigadier Lawson agreed to be present at some of the interviews when his expertise would be useful and also at the first interview, in order to help the interviewers break ground.

7. Mr. Coss agreed that he would draft a letter upon the receipt of a copy of this memorandum for the signature of his superior so that our plans can be submitted to Brigadier Orde, his suggestions solicited and his co-operation obtained in arranging for the interviews to take place in the near future.

LCol WAB Douglas
Senior Historian

c.c. Mr. John, Coss, J.A.G.

14 June 73

Director

1. Mr. Hillmer met with Brigadier Orde and Lt. Col. Martin and Mr. Goss of J.A.G. on 13 June to discuss a series of interviews with Brigadier Orde over the Summer.

2. The interviews will last from one to two hours and will concern the following topics:

- a. History of J.A.G.
- origin; expansion; internal organization; appointment of Price Montague as J.A.G. overseas etc.
- b. Military Service Act, 1917
- c. Creation of Department of National Defence
- d. Creation of the C.A.F. and R.C.A.F.
- e. Visiting Forces Act - origins and history (2 interviews)
- f. BCATP - origins and history (did J.A.G. concern itself with the large transfers of land for airfields?)
- g. Pensions & Estates
- h. Claims
- i. Administration of Military Justice
- j. Aid to the Civil Power
- k. War-Time Relations with Allies
- l. War Measures Act
- m. Bren Gun Controversy
- n. Personalities: Howe, Claxton, Lapointe etc.
- o. National Defence Act
- p. Miscellaneous: Properties, Leases, Currie's Libel Action, 1928 etc.

3. Tentatively, the interviewing will take place at J.A.G. Headquarters in Ottawa and will begin the week of July 16.

W.A.B. Douglas
Commander
Senior Historian

c.c. Brigadier R.J. Orde
925 Daly St
Ottawa

Mr. John Goss, J.A.G. Office

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OFFICE OF THE
JUDGE ADVOCATE GENERAL



CANADA

CABINET DU
JUGE AVOCAT GÉNÉRAL

MEMORANDUM

1071-1 (DJAG/CJA)

NOTE

27 Aug 74
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Attention: Mr. G.N. Hillmer

TRANSCRIPT OF INTERVIEWS
BRIGADIER GENERAL ORDE

As requested on the telephone, I attach hereto a copy of the transcript of the interviews with BGEN Orde. Due to a shortage of staff in this office, we have been unable to vet the transcript and it is requested that for the time being, it be treated as Confidential and that it should not be released to anyone.

A.E. Beaupré
COL
DJAG/CJA

Enclosure

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This morning, Tuesday, July 24, we are going to begin our interviews with Brigadier R.J. Orde, who was legal officer in the Office of the Judge Advocate General, Militia Department, 1918, Assistant Judge Advocate General, 1919, Judge Advocate General (Army), 1920, and Judge Advocate General, DND, 1923 to 1950, when he retired. My name is Hillmer, Directorate of History. Mr. Goss of the JAG is here with me to interview Brigadier Orde and this morning we are going to begin with the history and the early years of the Judge Advocate General's Office, and try to get some idea of Brigadier Orde's early years in the Army and in particular his First World War experience. (Brigadier Orde: Not in the Army. There you're wrong. Thirty years as Judge Advocate General.) Alright, but in the First World War you were in the Army, (Brigadier Orde: Correct). and that's what we're interested in today, your early experience then. Could you begin now, Brigadier Orde.

Brig Orde: As far as it has been possible for me to ascertain, in 1905 until approximately the latter part of 1916 there were two officers belonging to the staff of the Adjutant General who were respectively designated as Judge Advocate General. There was no such thing as the Office of the Judge Advocate General during that period nor was it possible for me to ascertain whether there had been any courts martial held during that period. In 1917 the Military Service Act was passed by the Parliament of Canada. This Act permitted the conscription of personnel to replace casualties which were suffered by the Canadian Expeditionary Force overseas. That Act stated, for some reason which nobody could understand, that a person who was duly registered and was ordered to report to a military depot will, if he did not report, be deemed to be a deserter from the Canadian Military Forces and dealt with accordingly. There were many of these people so designated as deserters and Colonel O.M. Biggar, who was

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at that time, in 1917, Chairman, I believe, of the Military Service Act Council, was appointed Judge Advocate General. There was created the Office of the Judge Advocate General to deal with the disciplinary matters entailed by this position in the Military Service Act. Is that clear enough, do you think?

Mr. Hillmer: Could we stop there.

Brig Orde: The (I don't want to have this recorded), but at that time I was on sick leave finishing my law course and I got called to the Bar. I had been commanding the Toronto University Depot Battery, when I was recalled into active service. I might just say that I was on prolonged sick leave. - How about putting it that way? In 1917 and in the early part of 1918 I was on protracted sick leave due to war disabilities. That's good enough. Early in May of 1918 I was ordered to report to the Judge Advocate General's Office at Militia Headquarters in Ottawa which then consisted of a Colonel Biggar, Judge Advocate General, Major Gregor Barkley, as Assistant Judge Advocate General, and two other officers, plus the usual secretarial and clerical personnel. Colonel Biggar was an extremely competent organizer and he was meticulous in keeping records. He instituted the first Register of Courts Martial which, over the course of the next two or three months, grew to large proportions because of the trials that were going on of personnel who failed to report under the Military Service Act. Is that all right?

Mr. Hillmer: Yes.

Brig Orde: The situation grew progressively worse, particularly in the Province of Quebec, where it was quite apparent that, with quite a few exceptions, the majority of those who had been called up for service regarded this as equivalent to a death sentence, and would spare no means of trying to avoid this. In consequence, Colonel Biggar arranged with the former Dominion Police, which has now merged with the Royal Canadian Mounted Police, for a Special Service Section to act on

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special service under the Judge Advocate General to operate in Montreal. Their offices were on Drummond Street between Sherbrooke and St. Catherine. Working with this Special Service Section were the personnel of the Canadian Provost Marshal's office detached for duty there in Montreal. Some alarm was caused by rather wholesale arrests for somewhat doubtful causes and I, because of my somewhat comparatively (I don't know quite how to put it), because I had some knowledge of the French language, was dispatched to Montreal to try to ensure that only those who should be arrested were so arrested.

Mr. Hillmer: Could I interrupt you, Brigadier Orde, and ask you just a couple of questions about criminology? You came to the Judge Advocate General's office at what time - 1918?

Brig Orde: May 1918. That's right. I was a Barrister at Law at that time.

Mr. Hillmer: Alright. We have a note here about the development of the Office of the Judge Advocate General which says that the Branch, later called the Office of Judge Advocate General, was born in March 1918. Now you say this is incorrect.

Brig Orde: 1902?

Mr. Hillmer: 1918.

Brig Orde: 1918? It was in 1917.

Mr. Hillmer: That's right. In other words, you're saying that it grew out of the Military Service Act.

Brig Orde: Yes. The Military Service Act was responsible for the creation of that Office.

Mr. Hillmer: That's fine. And you came to the office in 1918?

Brig Orde: I came to the Office in 1918, in May of 1918. It was created I think about November 1917.

Mr. Hillmer: Right, and you went to Montreal.

Brig Orde: Sometime in June, when it became obvious that things were boiling up there and getting out of hand. Now I don't know whether - I don't want to give the French a hell of a black eye but, they were bastards. The truth might just as well

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be told. The situation in Montreal grew progressively worse, so much so that - I'd like to say that I couldn't go out without a bodyguard at night, do you think I should say that?

Mr. Goss: Certainly, yes.

Brig Orde: So much so that while I, at the expense of the Government, occupied a room in the Ritz-Carleton Hotel which I couldn't personally afford so I would be close to the Special Service Headquarters on Drummond Street. I was frequently called in the small hours of the morning or late at night and never did I go out in the dark without a bodyguard coming up from about half a block away to fetch me to the Headquarters and I never went out without a revolver, a small calibre revolver, in my hip pocket and a life preserver (black jack) in my army jacket inner pocket. Truth may be stranger than fiction but when we had - the Special Service Section had - two or three stool pigeons who were scouting around and getting information as to the racketeering and bribery and corruption, that was being carried on. Word came one day that a certain man whose name I won't mention had been killed. Well, that left a bit of a hole in the Special Services' plans for running down this corruption. About two days after this report I happened to run into this man on St. Catherine Street at the corner of Mansfield Street. I immediately called a cab - there were no taxis in those days - and took him to the Dominion Police Barracks on Guy Street for safe-keeping. He could not be kept there indefinitely so he had to be let out. Two days later he was murdered and I identified his body in the morgue. Now that makes good reading. There were other incidents, many of them bizarre, such as borrowing a safecracker from Bordeaux Gaol to open the safe in the office of a well-known Montreal law firm where we got very useful information which lead to charges being laid, and any-
way Eventually due to the Armistice on the 11th of November the situation quieted down and I was relieved of my duties

there and came back to Ottawa.

Mr. Hillmer: That's fine. Do you want to tell any more details about your experience in Montreal?

Brig Orde: Well, yes. I don't want to mention names.

Mr. Hillmer: Remember that all of this is confidential and that you will be the only person to see the transcript. You're able to make any kind of comment.

Brig Orde: I've got to be pretty careful. I think that's enough said there. And I said there that they got enough information there to warrant prosecutions.

Mr. Goss: So you returned to Ottawa?

Brig Orde: Yes, I returned to Ottawa sometime towards the end of September 1918. By that time I had become a Major and Assistant Judge Advocate General. Matters progressed very quietly and orderly in the Office of the JAG, The staff of which in Ottawa had grown to approximately 8 or 10 people. Shortly after the Armistice, Colonel Biggar was ordered to accompany Sir Robert Borden and others to the Peace Conference in Paris. At that time there were two militia officers, lawyers. They were both Lieutenant Colonels, who wanted to return to their private practise and it was left to me and two other officers to carry on the office during Colonel Biggar's absence. Things were fairly quiet, apart from one or two disciplinary matters that had to be cleaned up by way of a Court Martial and dealt with in an orderly fashion, and matters continued in this way until Colonel Biggar came back. On his return Colonel Biggar was occupied with the formation of the Canadian Air Force. Now I've got to mention that that's what he was doing at that time. The then Chief of the General Staff was Sir Willoughby Gwatkin, retired and became Chairman of the Air Board. The Air Board administered the Canadian Air Force. Now there you've got that, and a new Chief of the General Staff, General Thacker, was appointed. Now that brings us up there to that time. Early in October of 1919, I, as the Assistant Judge Advocate General,

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with two or three other non-permanent officers. I was a non-permanent too at that time and carried on until one morning I was sent for by the then Minister of Militia and Defence, General Newburn, who welcomed me and shook my hand and congratulated me as being the next Judge Advocate General effective the 1st of February, 1920. I said to him "How about it. I'm only a kid". I was only 26 years old. Do you want me to put that in? And knowing the composition of the other branches in the Militia Department, the men were old enough to be my father if not my grandfather, I was doubtful how I'd get along. And for quite a short time, to put it bluntly, they hated my guts. That's right, I might just as well say it. I said to General Newburn "I had thought of going into my father's fairly extensive and lucrative law practice". "Oh" said the General to me, he said "Reg, John is damned glad to get rid of you" and so thus it became that I was the Judge Advocate General and things quietened down. Colonel Biggar retired at the end of January - 31st of January, 1920, and I succeeded him. He went to the Department of Justice as some special counsel there and I was left on my own. Now I'm going to mention something which I don't know whether I should. Could you turn that off. I took over on the 1st of February, 1920, as the Judge Advocate General with a substantial increase in pay and allowances which came in handy because I'd only been married a few months. I had the greatest help that one could imagine from the then Deputy Minister, Sir Eugene Fiset. He was a friend of my father's and we got on extremely well and he never let me down and I hope I never let him down. Unfortunately he retired in 1923. During that period there were comparatively few matters that caused trouble, but in those that did, and if I was hardput,

whose door was always open to me and who gave me the greatest possible help imaginable. He kept me from getting into trouble.

During that period about which I'm talking and which ended when the Department of National Defence Act was passed, there were two incidents where aid to the civil power was required, both concerning the miners' strike in Cape Breton. At that time, under the Militia Act, the Mayor or Reeve of any municipality had the right by law to requisition aid from the District Officer Commanding in the district in which his town or township was placed. It was incumbent upon the District Officer Commanding to furnish such military ~~forces~~ ^{as} as he thought would be sufficient to deal with the emergency.

Mr. Hillmer: Sir, could I interrupt you there and ask you if you could keep the discussion of the Aid to Civil Power for another day.

Brig Orde: Yes, yes you can. Scrub it all out.

Mr. Hillmer: Well, we won't scrub it out. We can use it as a general ^{/heading} for the subject.

Brig Orde: Because there's a lot more to be said. I was just going to mention the legal difficulties that were involved in those two incidents had to be handled by the Judge Advocate General's Office. There's more to that later.

Mr. Hillmer: Yes, it's fascinating. Could I take you back to your first days in the JAG's office and ask you what sort of duties the Department carried out in those days and how they changed as time went on?

Brig Orde: Well, going back to 1919 or 1920?

Mr. Hillmer: Going back to 1918.

Brig Orde: Well, there were - mind you, I was only licking stamps there for a while and then I went to Montreal and then later on we had a number of minor cases. We had a very nasty incident down in New Brunswick. A Colonel "milked the till" of the regimental funds of the Depot he commanded there and he was cashiered by sentence of a General Court Martial. His family was an old and highly respected one in Saint John, New Brunswick. I ran the court martial, no, Colonel MacFarland did.

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I held his hand for him. Bennett became Prime Minister. Bennett sent for me and he wanted the - this was many years after 1919 when the Colonel commanding the depot milked the till. This Colonel was still suffering under the stigma of being cashiered, and he couldn't hold any office under the Crown. He was kicked out of his clubs, everything. The sentence of cashiering is the most serious one other than death that can be imposed upon an officer. It's better to be hanged or shot or imprisoned. It's a blot on his copy book, and the old English idea.

Miss Miller, his secretary, phoned me up. He was Prime Minister

Bennett was a rather overpowering man. So I didn't care whether I lost my job or not, I didn't care much for him. But anyway, he cooled off

Under the old idea of cashiering, that

person could not receive any emolument or position or what-have-you under the Crown.

Mr. Goss: It's pretty serious, eh?

Brig Orde: It was a big blot on his copy book, see. Dismissal is lesser, [✓]semicolon if you want to put it that way.

and action was taken accordingly. And then there was another case when Bennett was Prime Minister, an alleged rape, at Fort Osborne Barracks in Manitoba. There were two officers in the Lord Strathcona Horse and they were quartered in Fort Osborne Barracks. They had a Halloween party in the Officers' Mess at the Barracks and the wife of one of them went dressed in some fantastic costume as a bunny or rabbit or something, and she went up to the Officers' bedroom. Many of the unmarried officers lived in the Officers' Mess Building at Fort Osborne. ^{you'd} It's the old Agricultural College in Manitoba. Anyway, she alleged that this officer had assaulted her and some months after she confessed to her husband that a brother officer had attempted to rape her at the Halloween party. It was long after the event. So the husband went crazy. They were living in married quarters then, in the Compound and he went out with his gun to where the alleged ravisher was living and attempted to shoot him. Of course, the papers got hold of information concerning the event and we had to have a General Court Martial. No action was taken against the officer who fired the shot, but charges were laid against the alleged ravisher and he was subsequently found guilty and sentenced to be cashiered. In addition to this stigma he forfeited all his pensionable rights. The Governor in Council confirmed the finding and sentence.

the Cabinet was not aware that the sentence involved this loss of pension.

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My advice was followed, action was taken, and the officer got his pension.

Mr. Hillmer: OK, alright, I simply wanted to put the question to you, Brigadier Orde, whether there were any other duties of the early JAG that were notable, other than the ones that we mentioned.

Brig Orde: Well, you might say the court martial concerning the embezzlement of the depot battery funds, but you hate to drag that sort of thing out.

Mr. Hillmer: Right, OK, well, there were courts martial, what I'm really interested in is what did the JAG spend its time doing?

Brig Orde: We had a normal number of courts martial at that time.

Mr. Hillmer: At the end of the war?

Brig Orde: At the end of the war.

Mr. Hillmer: And you worked on this business of

Brig Orde: Most of the work was mainly routine.

Mr. Hillmer: Routine? Could you tell us a little bit about that routine?

Brig Orde: Well, there would be a reference, we'd say, whether so and so, under their pay regulations, was entitled to an increase in his pay there, and dealt him my law, there, as a Judge Advocate General, to interpret that particular regulation. And, well, a perfectly good illustration, you couldn't post-date a thing. If he is retired from the Service and they change the regulations or something like that. He couldn't claim anything. You have the other thing about living in quarters, whether the deduction from his allowance, if he was living in quarters, was proper, having regard to the circumstances. We ought to quiz our legal matters there. And well, like, for example, if an officer is transferred say

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from Ottawa to London, Ontario.

Mr. Goss: What expenses would he be entitled to recover?

Brig Orde: Or whether he could break his present lease. He was entitled to be reimbursed for what he had to pay to his landlord, provided he did all the necessary things to try to get out of it, and indirect things like that. Actually, it resulted in very, very simple things. You have no idea, my friend, how dumb ^{a lot} ~~alot~~ of these old Colonel Blimps were. Now, I suggested, there, that if you'd known six months in advance whether you were going to transfer, you weren't going to do it overnight, unless there had been a casualty. All right, tell him that he is going to be transferred so that he can make arrangements to give his landlord sufficient notice to get out of this sub-lease.

Mr. Hillmer: Now, did the work of the Department change radically from the end of the war into peace time?

Brig Orde: From the First World War?

Mr. Hillmer: That's right.

Brig Orde: Oh yeah, now wait a minute. Oh, thank you for mentioning it. I'd forgotten clean about it. During World War I the Militia Department in Ottawa was a Department of the Government while the Overseas Military Forces of Canada Department was a separate Department entirely with the Minister and Deputy Minister and the whole shebang that we had in Ottawa. They were two separate things. Don't you think that's worthwhile?

Mr. Hillmer: Yes, I think so, certainly.

Brig Orde: Might it not be possible to fit that in? It's not related to what went on at all. We had a JAG overseas at that time.

Mr. Hillmer: Oh well, could you tell us about that?

Brig Orde: I don't know much about it because I wasn't there.

Mr. Hillmer: No. Right. Tell us what you know though.

Brig Orde: Well, the First Minister was the High Commissioner. I think, as a matter of fact, Sir George Perley. Hanging on very well. And when I came back from India I was one of his kids. He lived near us in Ottawa and I used to play with Ethel, his daughter, you see, and so I went and saw him there, and he

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was just taking on the job, this was in 1916, taking on the job of Minister (OMFC), Overseas Military Forces of Canada, and this lead to being High Commissioner. And they were a complete Department just as separate from Militia in Ottawa as say the Agriculture Department was.

Mr. Goss: Did they have their own Judge Advocate General?

Brig Orde: I think they had a Judge Advocate General, but I don't know who he was. We weren't concerned with what they did here in Ottawa. The Prime Minister was and perhaps the Cabinet ^{yes} ~~were~~, but unless they brought out their copy book, all we did in Ottawa was send them the boys. The Navy was in an embryonic stage consisting mainly of the ships RAINBOW and NAIÖBE. That's about all they had. There was not a Canadian Air Force in existence. All our people were Royal Flying Corps, the Bishops and the Barkers, etc. and what have you, RFCs. So, there was just the thing, and they were unrelated. We just sent them the goods and sent them the bodies and bingo. Do you want me to say something about it? What I would like to say and it should be borne in mind and it's important to realize that, for the period of World War I, the latter part of World War I, the Militia Department in Ottawa was quite separate and distinct from the Department of the Overseas Military Forces of Canada functioning in London which had its own Minister and its own Deputy Minister and its own Staff Adjutant General, its own military staff, and a Judge Advocate General. Now that's right.

Mr. Hillmer: That's fine. Now, ...

Brig Orde: There's another thing. I'll give you another. There are some things that happened there. I'm trying to remember the dates now. Oh, 1918, 1928, I'm thinking about World War I, there were 23 death sentences imposed by courts martial. The men were executed by firing squad. The proceedings came to Ottawa and they were in my custody officially. They were kept in Central Registry vaults. The Old Army Act prescribed that the court martial proceedings had to be retained (10 or

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20 years, I have forgotten which). Well, there were 23 of them and so I reported the time was up - the time that's right for the disposal of these proceedings. Then I took them to the heating plant of the Department, located at the Woods Building, and in my presence they were burned and I so certified that they had been burned and a record thereof was made. This is probably available somewhere in the records.

Mr. Hillmer: Let's see now. What about pensions?

Brig Orde: Pensions? Now pensions, that's a horse of a different color. I wasn't mixed up with the Pension Board until I became Judge Advocate General, and then I was only a member of it. Prior to that time the Assistant Deputy Minister or the Secretary of the Department, Colonel C.L. Panet, was the head of what they called the Pensions and Claims Board. And it had a doctor on it. I was a member of the Board. There were three of us, and there were some of the craziest things you ever saw. You thought it was a Court of Inquiry. Proceedings of pensions and claims were held at Ottawa, blah, blah, blah. President so and so and so and so. The Board took into consideration blah, blah, blah, you know. I wanted things changed when I took over but, oh no, the Treasury Board wanted to keep the old everything, procedures like Colonel Blimps, and what have you. And they didn't want any change. It was a crazy thing. They all had to be typed out, but there were only two men and a boy, and they would pension half a dozen a year at the most, you see.

Mr. Goss: It was created in 1916, I believe.

Brig Orde: M-m-m-m?

Mr. Goss: The Pension Board, I believe, was created in 1916.

Brig Orde: The Pension what?

Mr. Hillmer: The Board of Pension Commissioners was created in 1916.

Brig Orde: Oh, that's the Board of Pensions. No, yes, that has nothing to do with National Defence, though.

Mr. Goss: Oh, it didn't handle the retiring soldiers?

Brig Orde: No, no, this is the Board of Pension Commissioners, or the

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Disability Pensions.

Mr. Goss: Oh, I see.

Brig Orde: This only had to do with long service pensions. That's the one I went to find out in 1905. That's the Militia Pension Act. That was only expanded when Ralston became Minister in 1926, the Minister of National Defence's first tour of office, and he didn't want to have a new Act so he sent for me. We decided that instead of repealing the existing Militia Pension Act there would be added parts applying it to the Royal Canadian Navy and Royal Canadian Air Force adapting the main Act to the particular circumstances of the Navy and Air Force respectively and this was passed by Parliament. This was done in 1928. It might be opportune to mention at this time that the RCAF was created by regulation made by Order in Council instead of an act of Parliament as distinct from the statutory basis on which the Navy and Army rested. This anomaly was rectified by the passage of the Royal Canadian Air Force Act in 1940. I don't know how you are going to fit all that stuff in there. I mean, that is a matter of historical interest, when those things happened.

Mr. Hillmer: Well, when we get it typed out, we will see it as a whole.

Brig Orde: Yes, I think so. I think, for the rest of this particular session, it might easily be said that the duty performed by the Office of the Judge Advocate General are duties of a routine character, which might be expected by an organization which was growing with the expansion of the Canadian Forces, actually.

Mr. Hillmer: Other than the courts martial, did you handle any of the disciplinary problems with the senior Commanding Officers that look after all of that?

Brig Orde: No, we had nothing to do with discipline at all. That is to say, the loss of bedding or some bloody thing like that. I had to have a Court of Inquiry. Each of the three services had to have their own officer on the administrative staff that handled that sort of thing. There was no law involved at all.

Mr. Hillmer: The question that I asked earlier, about the way in which the

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duties of the Department, not the duties but rather the routine of the Department's change from wartime into peacetime. Was there a radical change in the kind of things ...

Brig Orde: Well, the diminution of the Armed Forces necessitated the diminution of the staff of the various branches involved, the Militia Department. We were the only one Department, mind you, in those days.

Mr. Hillmer: Right, now what about the Judge Advocate General's office in terms of size?

Brig Orde: Well, it disappeared. First, we had no Assistant Judge Advocate in any of the Commands at all. Prairie Command or anything, no legal officers at all. That was scrapped because of economy, and I carried on alone for, oh, the best part of 10 years anyway. There wasn't a hell of a lot of work to do, you see. I mean, I could leave my office there and go down to Montreal to negotiate a deal with the Vickers for the Ventura aircraft. I might be away for 4 days, nobody would seem to mind that. I wasn't holding up anybody in the Headquarters here, you see. My super-intending clerk could probably handle it all, find the files or something. It was either a feast or a famine. There was no even flow of it, and when there was a feast, it was a bad feast too. It was a nightmare.

Mr. Hillmer: Right, now, in terms of the duties that were set out for you, what I am trying to get at is the way in which the Department happened back in 1917. Did it happen by regulation or ...

Brig Orde: Oh, I don't know. There was only one Department. There was the Militia Department, the Department of the Naval Services. There was no organized Air Force at that time. The Air Board was created in 1919, I think. General Gwatkin was the head of the Air Board. We were still the Militia Department, and the Navy had their own Department. The Air Force - there was no regular Air Force.

Mr. Hillmer: Yes, what I mean is, the JAGs.

Brig Orde: The JAG's office continued as an Army office.

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Mr. Hillmer: Right, OK. Now, as an Army office it was set up in 1917.

Brig Orde: Yes.

Mr. Hillmer: Is it set up with any kind of piece of paper listing duties and ...

Brig Orde: Oh, I think it was under King's Regulations, if I'm not mistaken, at that time.

Mr. Hillmer: That's what we're after.

Brig Orde: You'll see it after. It's in the red book. I'm pretty sure it's there.

Mr. Hillmer: Yes, that's what we're after. Good. Now, do you have anything more to say about the Military Service Act in 1917, that you want to get off your chest?

Brig Orde: I don't think that you need to elaborate about it. Except, it might be said that after the Armistice, I may be wrong, but it was either debated in the Senate or it may have come up in the Senate, anyway, all the prosecutions that were pending, I think about 38 individuals, there was what we called a nolle prosequere, that's unwilling to proceed, that's under the Quebec law. The Crown can file a nolle prosequere - unwilling to proceed. So, we handled that, that was in 1919, thereabouts. I was instructed to tell our lawyers to do it.

Mr. Hillmer: OK. Since the JAG office came after the Military Service Act, then there wouldn't have been any kind of input into the formation of the Act or the writing of the Act.

Brig Orde: Oh, that disappeared, that Military Service Act went by the Board. It died a natural death.

Mr. Hillmer: Right, but you didn't have any part in that, nor did the office.

Brig Orde: No. After we finished there and we filed the nolle prosequere, we were through with it.

Mr. Hillmer: All right now, we have approximately ten minutes left on the tape. Perhaps, if you would, you could give us some personal detail about yourself leading up to your time coming into the JAG's office.

Brig Orde: You mean killing Turks and Germans?

Mr. Hillmer: Well, how about first of all starting where and when you were born, etc.

Brig Orde: Oh well, all right, I don't mind.

Mr. Hillmer: Just a little bit of detail about your relief in your early years.

Brig Orde: Do you want me to start now?

Mr. Hillmer: Yes.

Brig Orde: Well, I was born in Ottawa, on 15 May, 1893. My father was a young lawyer who, in due course, prospered and became one of Ottawa's leading lawyers and later became a Judge of the Supreme Court of Ontario. After kindergarten, I went to Ashbury College, Ottawa, and was there for 8 years until I went, as under-graduate, to Trinity College, Toronto, one of the federated colleges of the University of Toronto. In 1913 I got my degree of Bachelor of Arts and attended the Law School of the Law Society of Upper Canada at Osgoode Hall. My time there was interrupted by my enlistment in August, 1914, along with a number of my young friends in Ottawa, as gunners, in the Canadian Field Artillery. We proceeded south to Valcartier by train in due course, and trained there. And I was promoted to the proud rank of Bombadier.

Mr. Hillmer: Why did you enter the war? Why did you sign up for the war?

Brig Orde: Because I was a goddamned fool. I could ride a horse. Everybody else was doing it.

Mr. Hillmer: Did you feel any kind of patriotic ...

Brig Orde: Naw, hell, I didn't feel patriotic, it was just a lark.

Mr. Hillmer: Yes, that fits in nicely with what Mr. Pearson says about the same period.

Brig Orde: Yes, the same, we were all crazy. As a matter of fact, I'll tell you, I wouldn't want to mention that there were four of us, who sailed to England in the "Saxonia", one of approximately 400 to 500 ships in the convoy that left Canada in October, 1914. She had been converted into a troop carrier for men, horses and other animals. The ship had been on a Mediterranean route and seemed to be loaded with ice cream but short of other vitals. Anyway, the four of us shared a cabin. All of us were reasonably well to do. Our parents had taken us over to England, you know. We knew what a

trans-Atlantic crossing was like and so each of our fathers had given us 100 golden sovereigns sewn in the back seam of our pants, in case we were taken prisoner. Of course, it burned a hole in them. We fixed it with the Chief Steward to buy a generous supply of whiskey in the ship. We gave him a few bucks, you see, for doing it. And we sold it to the officers, Colonel E.W.G. Morrison, known as "Dinkie", was our Brigade Commander, and there were five officers per battery and there were three batteries in the Headquarters. John MacRae, you know, the author of "Flanders Field" was our doctor. I landed in England with a hundred £ I didn't give a damn about the gold but pound notes, you see. I think I had 300 £ or something, but I wouldn't want to say that, you know. Anyway, in the latter part of November, my Commanding Officer, Major C.H. MacLaren, later Brigadier General, instructed me to report to the Headquarters of the First Canadian Division at the Bustard in Salisbury Plain to a selection board where I'd been recommended for a commission in the Royal Field Artillery. I was given a horse to ride and a horseholder to look after it while I was attending this session. And, I was asked everything, all about my forbearers, my education and so on, and what I was planning, and I didn't seem to be making much headway. So, one of the officers said, "By the way, Orde, what does your father do?". "Well", I said, "he's a barrister and he's a King's Counsel", "Oh, King's Counsel", says the Board". And I passed with flying colors.

Mr. Hillmer: That again, fits in what Mr. Pearson said about the war, and about how connections helped.

Brig Orde: Yes, Do you want that in or am I ... is this being recorded?

Mr. Hillmer: Yes, this is being recorded. Remember, you're going to have a chance to see all of this.

Brig Orde: Well anyway, I was ordered to report, after several weeks. So I was ordered to report to the War Office. Well, I did, and I was given the large sum of a hundred £ to buy my outfit, and told to buy a sword, for some reason or other, but I had to buy it, and I never used it, of course. And then I went

to Artillery Barracks at Cosham, outside of Portsmouth, where I learned how to fall off a horse decently instead of just simply jumping off it. I then was posted to France to the Artillery Depot at Le Havre. Because I had a fairly good working knowledge of French, I was put on draft conducting duties up the rail head from the depot at Le Havre. This duty lasted for about 2 or 3 weeks. Then I was ordered to report to the Eighth Battery, 13th Brigade, the Royal Field Artillery, one of the batteries in the Meerut Division of the Indian Corps. It must be borne in mind that all the artillery of the Indian Corps, the two divisions, were white, they were not native at all, and each Infantry Brigade had one British Army Battalion each, plus three Indian Army Battalions. That was a very happy life, in spite of the rigors and the risks and the bloodshed that one saw. I was lucky. I was wounded once but not seriously enough to get further beyond the casualty clearance station, where a dose of anti-tetanus seemed to do the trick. After that, we took part in the battle of Neuve Chapelle. It was before the Canadians arrived. Then we got the tail end or the fag end of the gas attack at Ypres in April. We also participated in the Battle of Festubert and the Battle of Loos.

Mr. Hillmer: Today we're going to discuss the origins of the CAF, the RCAF and the formation of the Department of National Defence in the years 1922 and 1923. Brigadier Orde, I wonder if I could begin by asking you to finish the story you were telling us about your own origin. You had taken your story to India, as I recall.

Brig Orde: That's right, yes.

Mr. Hillmer: And I wonder if you could pick up the story there and lead it into your days at the JAG office.

Brig Orde: Yes, it'll be very, very brief. I remained in India until the - oh, for approximately two or three months as a guest of the Viceroy whose eldest son had been wounded and was in my battery, 8th Battery 13th Brigade, Field Artillery. I was eventually, in the latter part of September, transferred to the Canadians and got a commission in what was then the

Canadian Field Artillery. My sick leave was carried on - I think it was approximately five more months or something like that, during which time I finished my studies at Osgoode Hall and was called to the Bar. I then got command of the Toronto Depot Battery with the rank of Captain and in the early part of May I was ordered to report for duties to the Judge Advocate General in Ottawa which I did. At that time Colonel O.M. Biggar was the Judge Advocate General, having been seconded from the rather onerous job as Chairman of the Military Service Council. There were three or four other officers but my immediate chief was Major Gregor Barkley, who afterwards became the Judge of the Superior Court in the Province of Quebec - one of the leading lawyers there. That's the end of how I got into the JAG's office.

Mr. Hillmer: Right, and we did take the story last time from your entry into the JAG office on to Montreal and on to Ottawa.

Brig Orde: Yes, and then appointed Judge Advocate General in October, 1919. I took over the job the first of February 1920. You got that the other day.

Mr. Hillmer: That's fine. I think we cleared up the more or less departmental routine in the JAG's office during the War and immediately after the War. I wonder, did the JAG's office have any input or influence on the formation of the Canadian Air Force overseas?

Brig Orde: You mean in 1918? During World War I?

Mr. Hillmer: Yes, just the end of World War I. It seems unlikely ...

Brig Orde: There was no Canadian Air Force.

Mr. Hillmer: No, but ...

Brig Orde: All the Canadians who served on Air Force duty were members of either the Royal Naval Air Service or the Royal Flying Corps.

Mr. Hillmer: That's right, but at the end of the War ...

Brig Orde: At the end of the War the Royal Flying Corps became the Royal Air Force, and there was no Canadian Air Force at all until Colonel Biggar, as a sideline, with Sir Willoughby Brockton, previously Chief of the General Staff, became Chairman of the Air Board. The purpose of the Air Board was to lay the foundations for the Canadian Air Force. Is that clear enough,

do you think?

Mr. Hillmer: OK. We'll let that one pass. In 1919 when the Air Board was formed, did the JAG's office have any kind of role in that formation?

Brig Orde: Not that I'm aware of. I certainly didn't anyway, and Colonel Biggar was both Judge Advocate General and Vice-Chairman of the Air Board, so no doubt he played a part, but not as JAG.

Mr. Hillmer: I see.

Brig Orde: What was known as the Canadian Air Force was not a permanent body like the Regular Force. It was a counterpart of the Canadian military citizen soldiers who turned up for so many weeks training every year, and I personally had nothing to do with it at all. But I couldn't escape knowing a number of people involved like Squadron Leader Robert Leckie and Lieutenant Jimmy Glenn. They were both Royal Flying Corps officers who were on loan to Canada. There were two or three other Canadians like Barker who acted as Air Force supporters. There was no regular Air Force in any way, shape or form at that time. It was a pretty nebulous organization.

Mr. Hillmer: You say the Air Board was formed to form a Canadian Air Force?

Brig Orde: It was a form of Canadian Air Force and the steps they took to form a Canadian Air Force was of non-permanent flyers just as the militia.

Mr. Hillmer: Did you encounter people who were talking about why they decided to form it as a militia rather than as a permanent Force?

Brig Orde: Everybody seemed to want to disregard any degree of permanent service as far as I could make out. The permanent Force was at fault. At the very most - the military side of it - the very most was about, I think, 2500 or 3000 at the very outside, and no Navy at all at that time except two or three defunct ships like the NAIÖBE and RAINBOW. That was all, but there was a Department of the Naval Service. They functioned on their own entirely separate from the Militia Department. They were all by themselves.

Mr. Hillmer: What about the people in the Navy and Militia, did they have

any desire to have their own sort of Air Force attached to their own service?

Brig Orde: No, I don't think so. They just seemed to be blundering on until - you've got to remember that everybody, Cabinet Ministers and alike, were fed up with war and they just swept it under the carpet.

Mr. Hillmer: In a more general sense, in your acquaintance with various members of the Armed Forces in this period from the end of the War ...

Brig Orde: It lasted for two or three years. When the situation actually got clarified, and I think I'm speaking generally, the picture got - once they realized that something had to be done to put the defence forces of Canada on a reasonably proper basis so Canada could hold its head up with the rest of the British Empire, they proceeded to get busy and the transformation of this Canadian Air Force into the Royal Canadian Air Force - and the same thing with the slight enlargement of the Permanent Army - the building of a few destroyers in the 1920's - it was all part of the general plan to have hard core, if you want to put it that way, a hard core for the defence forces of the country.

Mr. Hillmer: Yes, but in your acquaintance with members of the Armed Forces, were you in the period right after the War, those two or three years before things, were you aware of any kind of debates that were going on among these people, any kind of grumbling?

Brig Orde: I have no recollection of that at all. One of the things which brought the matter home, very impressively, were the strikes of the coal miners in Cape Breton. It became quite obvious that the old method of getting troops for the Aid of the Civil Power was far from satisfactory and very, very costly. It was also an encouragement to use the Armed Forces instead of police by the various municipalities. They wouldn't hire enough policemen to maintain law and order so whenever they had an outbreak, say like - I've seen this all happen myself - an Orangemen's Parade on the 12th of July. They always paraded down around ^(Lower Lower) lowertown in the French area in the Catholic area and this would cause a disturbance. The Governor

General's Foot Guards would be summoned out to quell the mob, so to speak. It became obvious that there had to be some proper arrangements made. Among others, they stopped using the militia in Aid of the Civil Power in the Permanent Force but they were brought out after our experience of the 1922 strikes at Cape Breton. I suppose 90% of the Permanent Force right from Vancouver to Halifax were quartered in the vicinity of Cape Breton to maintain law and order and assist the local police forces in so doing. With that mentality they got busy - if we have to use them, how about an Air Force, and that was the genesis of the Royal Canadian Air Force. It just all grew up in the course of six months altogether.

Mr. Hillmer: Earlier on, though, right after the War, was there anybody who seemed to oppose having an Air Force at all?

Brig Orde: No, I don't think so. They were just dumb. They didn't do anything about it, that's the whole point. They were sort of in a "Thank God the war's over" state and ...

Mr. Hillmer: Are you talking about the politicians or are you talking about military men?

Brig Orde: The military didn't seem to - they just did what they were told. Thank God there was a pay cheque coming in, that's about what they were. I'm not fooling.

Mr. Hillmer: But you don't recall that men like Leckie, who were your friends, had any strong views about ...

Brig Orde: Leckie went back to England, you know. Leckie and Jimmy Glenn went back to England and we had to rely on our own people like the Barkers and the Gordons, Gus Edwards ...

Mr. Hillmer: But you don't recall anyone with passionate views on the subject?

Brig Orde: No, no, I never heard any, until the National Defence Act was passed and bringing the whole works under one Minister of the Crown instead of three separate entities. And then things started to move. Do you want to ask any questions prior to 1922 or 1923, the reorganization?

Mr. Hillmer: Just want to make sure I understand. Everybody seemed to

assume that there would be a Royal Canadian Air Force but nobody was really anxious about the particular formation of the Force.

Brig Orde: That was just about it. It's hard to describe it. Everybody knew that a hard core of trained competents in the Army and Air was necessary for purposes of training. They never got down to brass tacks and really took the bull by the horns and did something until after the National Defence Act was passed, in 1923, and then that brought the matter home.

Mr. Hillmer: Can you recall - just one last question before we get to the formation of the DND - can you recall anything about the rationale of the CAF? Any kind of discussion about it being a civilian force as opposed to a military force?

Brig Orde: Well, there was no reason for me to do it because as I was appointed Judge Advocate General, I was only for the military forces. I had nothing to do with the Air Force. It wasn't up my alley, any more than the Navy was. It never came up my alley until the National Defence Act was passed and until I was made the Judge Advocate General for the Department and also for the three armed forces. It was just by chance I knew what was going on there in their minds, if there was anything going on, just sort of a hazy idea.

Mr. Hillmer: Alright, then perhaps you could get to the formation of the Department of National Defence. Could you describe it?

Brig Orde: Yes, I can very readily. The Conservative government, or the Union government I think it was termed at the end of the War - it was defeated and the Liberal government, under the Prime Ministership of Mackenzie King, was elected. I forgot who the first Minister was.

Mr. Hillmer: Was it Mr. Graham?

Brig Orde: Well, Mr. Graham came in just before 1923, I think, but he may have come earlier.

Mr. Hillmer: He came a little bit earlier.

Brig Orde: Yes, I have no recollection. Mr. Guthrie, Hugh Guthrie, was our last Tory Minister under Meighan that I can remember, and Mr. Graham I think probably succeeded him. Mr. Graham was

an extremely fine man, a clear thinker and he knew what he wanted and he got what he wanted. It was a pleasure to work with him. Nobody ever worked for him, they worked with him, and he decided, the Government decided, that the appropriate thing was to have the three components of the Armed Forces of Canada brought under one roof for the time being anyway until it got too much for one man and it was in that way that the Department - with that object in mind - that the Department was created.

Mr. Hillmer: Why did they decide that it was appropriate to have it all in one Department?

Brig Orde: Well, let's put it another way. There was a bit of an economy drive going on to save as much money as they could and Mr. Graham seemed - I speak whereof I know because as I was always in and out of his office, I was very fond of him and he liked me. In matters that were common to more than the one service should be done - one branch, for instance the lawyer, you didn't care what kind of hat he wore. The same kind of problem arose in the three services. They were all - the same with the medicals and to a great extent for the clerical staff.

Mr. Goss: Shades of Paul Hellyer.

Brig Orde: Shades of Paul Hellyer, but they were all - it was matters which were common to one Force, but each component preserved its own peculiarities and so on, and that prevailed until Hellyer came into being and it worked. It's common sense and it's pretty hard to drive common sense out of people's heads when it's obvious. That was the theme of it. Now right there there's one point I want to mention. It's very important. A new Chief of the General Staff had been appointed, Major-General McBrien, Jim McBrien, and he was the first of the new blood. The old Colonel Blimp type, an Army expression, was disappearing. They were classed as superiors, you see, a new era, but the Air Force - the Department of National Defence took the place of the Air Board, the Department of Naval Service and the Department of Militia and Defence and it was called the Depart-

ment of National Defence with one Deputy Minister. There was a considerable degree of jealousy just when that Act was in the process of being drafted. I was the draftsman of it, and everybody wanted to have a finger in the pie. Mr. Graham told them to go to the devil, Brigadier Orde was going to draft the bill and nobody else. He knew what he wanted. McBrien wanted to be Chief of the Staff for the whole three services. The Navy wasn't having it but there were two men of the Board who were then in the Royal Canadian Air Force or who were going to be Royal Canadian Air Force at the dissolution of the old Canadian Air Force and the Air Board, and it got to a stage where Commodore Hose, who was then head of the Naval Staff, and McBrien wanted to hog the pitch and take over as Chief of Staff of the Navy and Hose wasn't having any of it. The Deputy Minister who was very, very capable and an engineer by profession had been Deputy Minister of the Department of Naval Service, and he took Hose aside and he was quite right because there were certain matters which were peculiar to the Navy which didn't apply to the Army and vice versa. But there were lots of things which were common to the three services, and I spent a very unpleasant two weeks during that period of having to relay messages from McBrien to Hose and from Hose to McBrien. They wouldn't talk to each other and I decided to meet them over lunch. They behaved like children. The Air Force, however, wasn't quite so obstinate as the Navy and until 1938, I think it was, there was no Chief of the Air Staff. I think we were very fortunate in having very sensible fellows in that regard and they did it with a touch of the velvet glove but eventually the divorce had to be made. Colonel Lafleche was the Deputy Minister at the time and Ian Mackenzie was the Minister. The Air Force came into it's own at that time. ^{no}no-body else except airmen were handling the job.

Mr. Goss: Brigadier Orde, in drafting the Bill creating the Department of National Defence, I was wondering, did you have any models, any statutes say from the British Empire?

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Brig Orde: No, the drafting of legislation was pretty well crystallized. You could just about take any Act of Parliament. You knew what you wanted.

Mr. Goss: But in establishing the Department, did you ...

Brig Orde: Well, it just said, "There shall be a Department of the Government of Canada, named and called the Department of National Defence. That Department will do - blah blah blah" sort of thing, in parliamentary language and you're home free.

I had a funny experience just about that time, do you want to hear it? I was a very keen golfer and I got a leave of absence to go to the Canadian Amateur Championships being held in Hamilton at the Ancaster Course there. I think the tournament was just about to start and there was a Deputy Minister on the phone, Mr. Debarets, telling me to get back to Ottawa and be ready to go sit in front of Senator Dandurand, the Leader of the Government in the Senate, to help him pilot the Bill through the Senate. It had already passed the House of Commons. I thought I was home free that's why I didn't - I thought the Senate was just a rubber stamp to the Bill. But the old man, Dandurand, insisted on going through the motions so a little table was brought out in front of the Red Chamber and Orde sat at the table and told old Dandurand what to say. That was one thing there.

And here's another funny thing which was nearly an international incident. Just about that time, during the 1923 Cape Breton Strikes, and I took my leave down to a place called ~~Biddeford~~ Biddeford Pool, in Maine near Kennebunk Beach. In those days you had to send anything in code. We used the old Slater Code Book. It's about the size of a Bible. The way you do it is, you have one copy of it and I have a copy. You want to send me a cable in code. We agree that you'll add 25, I subtract 25. Now, for instance, "Please", you say that that was No. 10 in the book, you see, that word. You'll add 10 and the word would be 25 and I would subtract it, so it would go back to the word "please", see? So anyway, McBrien got in some hot water over the strike and sent me a message and later on a telegram

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in the Slater Code and it went through the telegraph office at ^{Bitterford} Biddeford or something like that. We were staying at the hotel there with the ocean view, Biddeford Pool, golf and all, and two FBI fellows came along and wanted to know if Colonel Orde was there. I said, "Yes", I was Colonel Orde. They said they had got this extraordinary code message. "What's the big idea?" I couldn't keep a straight face, you see, so I explained what it was. I told them it was some governmental business but "certainly nothing to get your wind up". So I said, "C'mon, give me a hand to decode it". So they did just that. I thought I was going to be arrested.

Mr. Goss: An international spy.

Brig Orde: Yes. Well, anyway, that brings your Department of National Defence into existence. It went through. Then came the spade work. It was just routine making it gell. The Navy didn't have any medical staff but the Army did so Dr. Hunter of the Army, while still a Captain in the Army, became the Naval doctor. He served two destroyers about that time over in England, the SAGUENAY and the SKEENA, and he was the doctor for the ships' companies. He was still in the Army. That was one of the matters for which the National Defence Act was intended to work. The same with my office.

Mr. Hillmer: Brigadier Orde, you said that the impulse for the Department of National Defence unification order, at least the formation of one, in the Department, seemed to come largely from Mr. Graham. Did the other people in the previous Department of Militia and Defence have any voice in the formation?

Brig Orde: Not that I'm aware of. No.

Mr. Hillmer: Did Mr. Fiset share, to any extent, the views of General McBrien that the militia ought to be in charge?

Brig Orde: No, you see, General Fiset worked himself to the bone and he wanted to take his retirement and run for Parliament and so on. He got all the honours that he wanted. He was knighted; he was a Major-General; he was a doctor by profession, and he was an excellent organizer, and the Department worked and he wouldn't stand for any nonsense at all. He drank like a fish. Nobody held it against him.

General Fiset was scrupulously honest and funny to work with. I remember a day, just like today, just about this time

of the year.

So he wore something like the old fashioned pongee silk, coats and trousers you see, and he sweated like a pig at the time, and the back of the coat was all wet with perspiration and he looked funny as the devil.

That's the way he talked, see. I couldn't help but laugh at him, and he came over, he was shorter than me at that time and he was strong as an ox, and he grabbed me right up here, the forearms here, the biceps here, and lifted me up about six inches from the floor and it hurt like hell. So I yelled at him, "For God sakes, what the hell do you think you're doing there, General?" "I didn't mean to hurt you, Reg Orde", "get Ashton", that was General Ashton, the QMG, "Get him on the phone at once." So I got General Ashton on the phone and I said, "The Deputy Minister wants to see you quickly, Sir". He was quite a pal of Fiset's. So he came down and he said, "Ashton, sit down there for a moment. Reg Orde, get Thompson". Thompson was his driver, his chauffeur. He was on call all the time. So I got Thompson and I said, "General Fiset wants you at once" - he had been down around Slater Street, I think. I don't know where the hell he was. But anyway, he came home and he says to his girl, his secretary, Miss Lepri^how, "Get the Homestead, a restaurant. Tell them there will be three of us and I want three bottles of champagne on ice". The three of us went out there and got drunk, and then he insisted in taking us along to the Royal Ottawa Golf Club for dinner. That's the fool things that went on, you know.

Mr. Hillmer: You know, I was reading the King's diaries. In the diary I think for December - at any rate December in 1921 - soon after he was elected Prime Minister, he says that Fiset suggested to him that there be a reorganization to form one Department of National Defence.

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Brig Orde: Well, I think that Fiset had that in mind all the time. He didn't want to be responsible for it. We may have discussed it but there was nothing laid on. They never asked my views of it and I think he was going to leave that to somebody else. Mr. Desbarats was handling it.

Mr. Hillmer: In your experience, then, the politicians, the Cabinet, through Mr. Desbarats, was handling the whole thing?

Brig Orde: I don't know how many the - I didn't know many - well, I knew Mr. Graham extremely well. He and Mrs. Graham were very kind to my wife. I was only a kid and so was my wife. He had all sorts of hospitality. And you got to know all the Cabinet Ministers the same way. Playing golf, as I say, I was the Club Champion at the Royal Ottawa - the City and District Champion here. They liked to play golf so they could better themselves.

Mr. Goss: I hope you didn't take all their money.

Brig Orde: Oh no, Mr. Lapointe - I played an awful lot of golf. Mr. Howe - it was good fun there and we got on well.

Mr. Hillmer: Do you recall any resistance to the plan of a Department of National Defence?

Brig Orde: No resistance at all whatsoever. In fact, everybody welcomed it. By that time they - some of the old guards remained on as Adjutant-General and the Quartermaster General and so on. And they came to realize that their task was being made much smoother and gave them more time to doddle away - made their job softer, I think. It just happened, that's all.

Mr. Hillmer: I have to ask a parenthetical question. There seems an attitude running /through your remarks of not a high respect for many officers and - in the Armed Forces. Do you have a kind of feeling of giving your long service in the military that there were an awful lot of time-servers?

Brig Orde: Oh, my sacred aunt, you don't know the half of it. They were nice fellows - very nice indeed - you couldn't have found nicer, but they took life easy. They weren't going to worry very much about it and they seemed to like to do things the hard way.

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To put it another way, they were against change, that was it. It had been done that way in the days of Charles I or something like that, well let's carry on. It worked then, it should work now. Perhaps I was a little too impetuous and wanted to take a shortcut. Let me put it another way there, if anything had to be done - and they seemed to do it the hard way - the four of us here, we no doubt work in different ways. Now, if I had to dictate a memorandum or a difficult letter, I threw myself into a trance. It seemed I was really reading what I wanted to dictate. I wouldn't make a draft in pencil or anything, and then I'd call in a steno or my secretary, just like that. It was an easy way of doing it. We had a reputation for being - saying without boasting - the Privy Council office much preferred to get something that Orde had drafted than something drafted by Joe Blakes in the Department. I did an awful lot of drafting for them for that reason. I knew Clark in the Privy Council. He sent minutes up to the Treasury Board - an Order in Council or a report - depending on what the subject matter was that they were handling in a different fashion. There was a little bit of a rat race as there always is a bit in empire building but nothing to squeal about. The worst lot were the second-grade Civil Servants. They were time watchers of the highest order. My God, at one minute past four on summer time, or whatever it was, they'd be out of the Woods Building as fast as - you know the big clocks when you punch the clock and if they had to queue up for a minute or so they almost demanded extra pay for overtime.

Mr. Hillmer: You say there was empire building going on?

Brig Orde: Oh yes, a fellow was rated by the number of underlings he had under him in his office.

Mr. Hillmer: Was the military also going through this? Was this one reason for the provision of the Department?

Brig Orde: Oh yes. We had two men and a boy at that time. Money was the whole thing and they worked on a very, very narrow - small budget. I know at one time there we were forbidden to travel

CPR. We had to take the government railroad, no matter how impossible it was to go places. I remember one time when this new case came out. I had to go out to Regina. They were building - in those days they were building armouries under a half-baked scheme. They'd form an Armoury Association and they would put up, say raise funds themselves, \$20,000, and then they'd borrow the balance from the Sun Life Assurance or the Royal Bank or something like that, and they would pay. Then the Crown would rent the building from the Armoury Association and pay X dollars in semi-annual instalments. Eventually the loan would be paid off and the Armoury Association would convey the building to the Crown. All they had was the government's undertaking to pay but not an act of Parliament. It was an expensive thing but it was cheaper than renting unsatisfactory quarters, but not quite as cheap as erecting a building themselves. It meant they had to raise a couple of million dollars - \$3,000,000 or whatever it might be - in one swoop instead of spreading it over. Well now, I had to go up to Regina after that, and Regina's a CPR town. Well, to go on the Canadian National Railway was like going through three or four sides of a square to get to Regina from Winnipeg by Canadian National. And that's the sort of fool thing that went on.

Mr. Hillmer: If indeed the military engaged in empire building, was there perhaps any feeling that this new Department of National Defence was a creation of the Militia Branch and they could empire build and include in the Air Force and Naval Service?

Brig Orde: Well, it's not exactly that. The Militia Branch, the Naval Service and the Air Force functioned under the direction of the Minister and Deputy Minister of National Defence and there could be no question of any one service trying to get the better of any other. Naturally it was much bigger than the Militia Department and as time went on, there seemed to be more work coming in. The Permanent Force was being lodged - this would be in the late 20s after the Byng incident and Colonel Ralston became Minister of National Defence in 1926 or

1930 - and by that time the Air Force had expanded, naturally. They had quite a big class at Camp Borden and elsewhere and the Navy was expanding, so there were more workmen kept going and naturally everybody was howling to get a job done quickly. I had to take on a couple of assistants and more clerical staff. I had to work harder. I didn't get in as much golf as I wanted to and I used to keep three stenos going to get through the mass of stuff there. They wanted me to get a dictaphone. They said it would be more economical if I hired one or something and I kicked it out. I wouldn't use it at all. It was quite unsatisfactory for the work I was doing. That's what I would call empire building. To get the job done I had to have more help, that was all. There was never much of an argument about it.

Mr. Hillmer: The Chief of Staff in the new Department, did he interfere much in the way the Air Force was run?

Brig Orde: No, he didn't, because he didn't know enough about flying, that was all. It was much too technical for him to try to interfere unduly. The Deputy Minister, Mr. Desbarats, was a very sensible man and he would see to it that nobody was going to be kicked around by McBrien. Ralston hated McBrien's guts. The hate was unanimous for the two of them.

Mr. Hillmer: I wonder if you could relate the formation of the Department of National Defence to the construction of the Royal Canadian Air Force?

Brig Orde: The Department came first, and I always thought it was just a logical consequence of the Department. The Navy was going to expand on a permanent basis. The Army was going to expand within the limits of the public treasury as a regular highly trained corps, if you want to put it that way, of the military forces, and the Air Force was the thing. And at that time you couldn't play with the aircraft and you had to be a darned skillful fellow. It's all right to shoulder arms and ride a horse, but it's a different thing to piloting an aircraft. And so, as I say, it grew and there were - nobody wanted to interfere with it, unless they went crazy.

Mr. Goss: New concepts. Such new concepts in warfare, I would imagine most of our officers didn't want to get involved.

Brig Orde: We didn't want to get involved at all.

Mr. Hillmer: But you didn't have any indication that General McBrien wanted to dominate?

Brig Orde: Oh yes, he wanted to dominate them. He was always resigning too. Finally, Ralston called his bluff.

Mr. Hillmer: As I understand Mr. Johnson's research, there was an indication that at the time of formation of the Department of National Defence General McBrien wanted the Air Force to become more military oriented. It had been spending most of its time on civilian activities, and that he made a real attempt to make it a military force and that he eventually failed and it fell back into being predominately a civilian, not a civilian force but a force which spent most of its time on civilian duties?

Brig Orde: The Royal Canadian Air Force?

Mr. Hillmer: Yes.

Brig Orde: The Royal Canadian Air Force, they were working like beavers the whole time up at Camp Borden.

Mr. Hillmer: Yes, but what kind of thing were they doing?

Brig Orde: Well, they were doing - let's put it this way - they were learning how to fly. Aircraft were being modified and changed and developed at a very extraordinary rate. I had quite a lot to do with the Vickers Company in the whole thing - for example, the contract for the Ventura aircraft. We had Air Force officers working right in the factory. You know, they made the machine tick.

Mr. Hillmer: What about flying for other government Departments, did the Air Force do a lot of that?

Brig Orde: Up to a point they did, but then the Departments figured out, well what we want done is not military training, military in the bald sense of the term, like the Department of Transport ferrying people A to B and so on, not learning how to employ the aircraft as a fighting mechanism. I don't think there was much about that.

Mr. Hillmer: So you didn't have any recollection that there was chafing within the Department at the amount of time spent on civilian

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aviation?

Brig Orde: There was a Director of Civil Aviation, a man called Wilson.

Mr. Hillmer: Yes, but that came later, that came in 1927.

Brig Orde: 1927.

Mr. Hillmer: He was Secretary to the Air Board from 1919 onwards.

Brig Orde: He was a very decent fellow. But he got us into rather dire trouble when the Zeppelin came over, the R-100 came over, and he was nearly fired over that.

Mr. Hillmer: Have we got enough time to tell that story?

Mr. Goss: I think we're just about out, I'm not sure.

Mr. Hillmer: Well, why don't we make a note that we'd like to hear about that story - about John Wilson and his Zeppelin.

Brig Orde: You know the R-100 that came over. They built the mooring masts down at St. Hubert.

Mr. Hillmer: Right and air ships didn't have much life after that. But what I'm interested in knowing is what sort of legal basis did you work out for the Royal Canadian Air Force. Your role in it.

Brig Orde: I borrowed an officer called Nordheimer, who was in the Royal Canadian Dragoons, the Regular Forces, Permanent Force. He was a very clever fellow but rather a scoundrel. He provided just what I wanted.

like the Royal Canadian Air Force, for the various things which were required. He helped me write those regulations I was telling you about in the little book, the black book, that brought the Royal Canadian Air Force into being. They were very, very helpful, rather slap-dash in some of their stuff. They were a pretty close corporation. There were very few of them; Breadner and Jimmy Scott, who was a bit of a rogue; Lindsay Gordon, I thought very highly of, and then they had a Sergeant-Major, David MacKell, and whenever you wanted any information of value, I'd call up Scott or Breadner and they'd say "Just a minute, I'll get the Sergeant-Major". I'm not fooling, MacKell was everything rolled into one - the Air Force there. He became a Commodore later on and was a tower of strength when I was writing the National Defence Act in 1949. He was the

Air Force representative. He was on my committee and he was darned good with all the Breadners and Leckies and everybody else. But they all seemed to work - we didn't have any trouble. Legal problems, of course arose, but minor things, pay and allowances and matters that come out of it.

Mr. Hillmer: More specifically though, what was your part in the formation of the RCAF?

Brig Orde: I provided - I wrote the legislative vehicle of those which gave them birth. I wrote the regulations, those of the Royal Canadian Air Force and so on, the whole works. We didn't want to go to Parliament. Under the National Defence Act we could create an Air Force or any other force by Order in Council - nothing comparable to the old Militia Act. This is what was legally required to establish a Royal Canadian Air Force.

Mr. Hillmer: Why didn't you want to go to Parliament?

Brig Orde: I didn't give a damn if we went to Parliament or not, but the Minister wouldn't have it, that's all.

Mr. Hillmer: Why?

Brig Orde: I don't know. For instance, Ralston, I'll give - when it became perfectly obvious that we were going to have to give the Naval people and the Air Force people the same pension rights which the Army enjoyed, like the long service Pension Act, the Militia Pension Act,

They used the Army Act - the Regimental Debts Act and the other legislation which was applicable to the Regular Forces in Britain, with amendments to the basic statutes between that statute to meet the particular conditions and circumstances peculiar to the Royal Air Force. So we drafted Parts 2, 3 and 4 on the old Militia Pension Act for Permanent Force, the Royal Canadian Navy, and so on. So in effect, by one amendment we wrote two, roughly three new Acts of Parliament. Ralston said, "Parliament will swallow

an amendment but it won't swallow three new Acts". So that's the way we did it.

Mr. Hillmer: You didn't have any feeling in your mind that a Bill to create a Royal Canadian Air Force would have encountered great opposition in Parliament?

Brig Orde: I didn't know enough about it. If I could have answered that question I would have been a Prime Minister, I think. You never knew how they were going to act, and it was only when World War II broke out that we had the best Minister we ever had in the shape of Chubby Power. At that time, after Norman Rogers had been killed, he was acting Minister of National Defence, and decided we better give the Air Force the same prestige as the other Forces, the Navy and the Army,

Mr. Hillmer: Today, July 30th, we are interviewing Brigadier Orde for the third time and two or three times in previous interviews Brigadier Orde has alluded to the use of aid to the civil power and in particular aid to the civil power in Cape Breton in 1923 and 1925. Perhaps I could preface this, Brigadier Orde, by saying that according to some figures we have at the Directorate, 75% of the call-outs of the military under aid to the civil power between 1901 and 1933 were call-outs in aid of or in order to stop violence arising because of labour-capital conflicts so that this was a very large percentage of the uses of aid to the civil power and I wonder if perhaps to begin with you could outline the legal position for the use of troops in this context.

Brig Orde: Yes. It is comparatively simple. Until, I would have to check the date, but I think it was sometime after 1924 that this occurred, but up until then the Mayor or Reeve or Chief Officer of any municipality could, if he felt this situation, disturbance of the peace, was beyond the powers of the civil police force to deal with, he as Mayor, Reeve or Chief Officer could requisition the District Officer Commanding the Military District wherein this municipality was located. Then under the old Militia Act it became incumbent on the General Officer

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or District Officer Commanding, as he was called, who was either a full Colonel or Brigadier General or something like that, to supply such call-out, such members of the Militia, mark I did not say the Permanent Force, but the Militia, as he considered necessary and expedient to deal with the disturbance with which the requisition related and that was all it was there. It became quite obvious, there were sundry disturbances of the peace that were probably not of sufficient seriousness to warrant reporting or putting in the records there. Certain of these municipalities, particularly in the Ottawa Valley, which was the hot bed of Orangemen, suffered several disturbances on the 12th of July when these people would march into Ottawa with their King Billys riding white horses and go down into Lowertown and rip up the R.C.s and the French down there. They would have a fine war and the Governor General's Foot Guards would be called out. They probably got a reward - going to the pubs and getting whiskey drams afterwards. I didn't know. But no one seemed to pay much attention, it was part of the game and the police and the municipality were not handling the job properly. Well, that went on until, I think 1924.

Mr. Greenhous: 1924, yes that's right, the new Militia Act, yes.

Brig Orde: There was a minor one in Cape Breton in 1923.

Mr. Greenhous: 1922, that was the first one.

Brig Orde: '22, well I thought the other one was in 1923.

Mr. Greenhous: Well, the first one was in '22 and then there was a bigger one in '23. The Royal Commission that sat on that one made certain recommendations of amending the Militia Act.

Brig Orde: Yes.

Mr. Greenhous: 1924 was a very peaceful year down there. The actual amendments came out in 1924.

Brig Orde: The actual amendments, yes, and I know that's when the Attorney General came into being there and he agreed to pay the money ...

Mr. Greenhous: That's right.

Brig Orde:

Now, I always felt - and my feelings were shared by the Army,

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the Navy, and the Air Force were out of the picture altogether - that it was hardly fair to the non-permanent, the civilian soldier, to be yanked out from his job, he may be a bank clerk or anything, to go and apprehend and act as a police officer and control and possibly arrest people who were living in the same balliwick as he was. They may have been his friends. It wasn't quite cricket and everyone agreed with that. But this was the law and we had to face it. So when the second strike, the big one that resulted in the Royal Commission ...

Mr. Greenhous: Yes, that was 1923.

Brig Orde: Yes, 1923. I think Mr. Graham was the Minister then and they decided that it would be quite inexpedient to call out the local militia, the Cape Breton Highlanders, and other troops like that and so they ferried, well they had to do a little scraping of the cracker barrel to get enough troops. They went as far west as Edmonton and Calgary and eventually massed about 900 or 1000 troops. That was getting down to the cooks and drummer boys pretty well. General Elkins was commanding them in Cape Breton. I don't know where they were billeted there. Things were pretty ticklish there and Elkins was frightened.

Mr. Greenhous: The District Officer commanding down there was General Thatcher.

Brig Orde: Thatcher.

Mr. Greenhous: Yes, Thatcher. He at one stage wanted to call in and he asked Ottawa if he could use, for troops, both those on the British cruisers in Newfoundland and R.C.A.F. personnel.

Brig Orde: Yes, but ...

Mr. Greenhous: He was not allowed to ...

Brig Orde:

Mr. Greenhous: That's what I was wondering.

Brig Orde:

Mr. Greenhous: That amendment to the Militia Act said requisitions could only be made by the Attorney General.

Brig Orde: Only the Attorney General of the Province could requisition

that and he had to accompany that with an undertaking to pay the cost of the troops.

Mr. Greenhous: Was that the only reason, the financial one, or were there other reasons?

Brig Orde: The main reason was a deterrent against someone losing his head and putting in a requisition. We're dealing with a matter that was primarily the responsibility of each municipality. They were using the troops in place of police.

Mr. Goss: Was there any veto power over the Mayor's decision to call in the troops?

Brig Orde: No, the Mayor was the only one to do it and it was a very inequitable situation and God knows how often, I don't know and I don't think anyone would have a record of how often it was used in a very mild way such as getting two men and a corporal guard from the DOC just because ... They were pretty simple folks in those days and he might be a friend of the Mayor's, "Oh sure Joe, I'll help you out". You know, send a few troops out, so ...

Mr. Greenhous: Another thing that was incorporated into that amendment, the Act I think, I'm not sure about this, was a statement that if the Attorney General requisitioned aid, then as well as agreeing to pay for it he also had to agree that within 7 days of submitting the requisition he would send to the Secretary of State a written report setting out the full circumstances of the disturbance.

Brig Orde: That may have been there but I've just forgotten. That's a long time ago now. Things were boiling up pretty badly there - and I was running around in circles. But I wouldn't be at all surprised if that suggestion may have come up from someone else.

Mr. Greenhous: I don't know if that was included in the Act.

Brig Orde: It may have been by regulation or something like that. We were pretty elastic without powers or regulation. The main thing, if I say it myself, was to do a job in a workmanlike fashion and do it in such a way that it had to be done to preserve law and order and not at the whim of the municipal authorities who were playing us for suckers.

Mr. Greenhous: What was the relationship between the Military and the Mounties during this?

Brig Orde: The Mounties? Oh well, the Mounties were just beginning and getting into being - the Mounties were all located out in the Western Provinces.

Mr. Greenhous: No, there were also a few Mounties involved.

Brig Orde: I have no knowledge of that. The Provinces and Municipalities were doing as they do now, that is, renting a police force from the Mounties.

Mr. Greenhous: No, they were under federal control. I think they may have been part of the port security section or something down in Halifax.

Brig Orde: They may have been - guarding public buildings, that was their main job. That is security guards of Dominion Property. Now, that Act worked very well after we put in the changes and it made the Province a little more careful of sticking their tail in the gate because they were going to have to pay for it.

Mr. Greenhous: You still had another strike down there in 1925 in Cape Breton but the next noticeable one you got was in 1933 at Stratford down in southern Ontario. Do you know anything about that?

Brig Orde: What year was that?

Mr. Greenhous: 1933.

Brig Orde: I've forgotten all about it.

Mr. Greenhous: It wasn't a very big one.

Brig Orde: You see, once I'd done the dirty work and made the Attorney General responsible for that sort of thing, I passed out of the picture. He was the boss there of what he was doing. It was the Attorney General who could be responsible for the payment. I'd nothing to do with it and there was no reason why I should. It wasn't my job unless it got into a jam and if it didn't get into a jam I might know nothing about it. Those are the facts there.

Mr. Greenhous: That sort of fits pretty well with what I knew already anyway. One of the things that the amendment to the Militia Act, of course, was to slow down slightly the speed of processing of requisitioning aid.

Brig Orde: Quite so.

Mr. Greenhous: When the Mayor could do it he could just go to the local ...

Brig Orde: He could just read the Riot Act on the City Hall steps and hand the requisition to the DOC.

Mr. Greenhous: Do you remember if people were thinking along that line or was that just an incidental result?

Brig Orde: Oh no, the militia didn't like it. It was widespread across Canada that the DOCs didn't like it, or the job. They didn't want to be policemen on the beat. That's what in effect they were being made.

Mr. Greenhous: Yes. It's an active responsibility to have anyway - if there is any violence when you call in the troops then the Military would be a scapegoat of some sort.

Brig Orde: Sure. No one liked the task there, particularly where there might be untrained troops, young boys out of high school or someone who might get trigger happy. That was another thing that put the brakes on this Mayor business of ...

Mr. Greenhous: Can you recall if there was any legal actions that arose out of injuries, personal injuries, in the Cape Breton business at all?

Brig Orde: No. I have no recollection of that at all.

Mr. Greenhous: I have never come across any evidence of that at all either.

Brig Orde: As a matter of fact, I don't know if you want this put down, but I had a funny experience. McBrien was Chief of the General Staff and started to get his wind up a little bit, I don't know why. I was ordered to go down there to see what was happening. Elkin was a very nice officer, a very able fellow, but a little bit too gentle. He tried the velvet glove instead of the mule fist when the mule fist was obviously indicated. I'm not saying anything derogatory. He was a fine well liked, efficient officer and happened to be a close friend of mine. But I was sent down. I don't know what McBrien had in mind. He never told you - just go down there and clean it up. He was very quick in his actions. So I went down there. I wasn't any too pleased about it. I got off the ferry going over there and went over to Sydney and Glace Bay. No one was with me, you see. I saw some people wandering around out of work because of the strike.

Mr. Greenhous: You were in uniform, Sir?

Brig Orde: Sure, oh yes. I was in uniform because if I were hurt or killed and was in plain clothes I wanted to ...

Mr. Greenhous: No one bothered you while you were wandering around at all?

Brig Orde: They didn't bother me at all. In fact, I got on well with them. Another thing I couldn't understand was that the Cape Breton folk seemed to prefer tinned salmon at 17 cents a lb. rather than freshly caught salmon at 7 cents a lb. Well, these strikers' wives were not buying it off the beach. They were buying the more expensive kind. I didn't know why.

Mr. Greenhous: Yes. I can see possible reasons why ...

Brig Orde: The salmon in the tin was cooked.

Mr. Greenhous: Yes, and also they had these company food stores, you see, and you could put it on credit whereas on the beach you would need cash. I didn't actually realize you were down in Cape Breton. Could you just tell one ...

Brig Orde: I can't give you any impressions because they were just wandering around.

Mr. Greenhous: Just a normal sort of day in fact?

Brig Orde: Just a normal day. They were looking in the shop windows.

Mr. Greenhous: There was no tension in the atmosphere?

Brig Orde: The troops were on guard there at the street corners and if there was any sign of a disturbance the presence of a couple of soldiers was a sufficient deterrent.

Mr. Greenhous: Do you think that aid to the Civil power was necessary? I mean, do you have any views on this?

Brig Orde: Oh, I think the presence of some real soldiers who meant business was important. That was what we were always out for, people who knew their job, who weren't going to show any favouritism. They were there to do a job and do it as smartly as they could. That in itself was the best deterrent you could find. Now I'll give you another example. Please don't think I'm boasting but over in England the great general strike was on. After the second day of it, all of us who were attached with the War Office were allowed to do volunteer service. Now, Sir Henry McGeagh who was my boss in the JAG side was head of the Military and Air Force Branch of the British JAG office.

He and I delivered the "Emergency Times". We went over to the Printing House Square where the "Emergency Times" was published - got there at quarter to 12, midnight. There would be Lords and Dukes and God knows what in dinner clothes and then we would all go off to deliver the "Emergency Times". McGeagh had a big American car, a Hudson, and we had the windshield all covered with heavy chicken netting in case the strikers threw rocks at us. But the strikers at the Times helped us to load our cars. Now I couldn't help but think when I saw that happen - "Come on boys, here "Governor", where do you want that put?". Well, you know we would carry seven or eight hundred weight papers down there. Our trip every night was Deal & Hastings & St. Leonards down on the south coast. Now we would run into obstacles, for example, gullies where the strikers had felled trees across the road forcing us to make a detour.

Mr. Greenhous: You know ...

Brig Orde: Well, I couldn't help but think that when this thing happened that it was not unlike the impression I got at Cape Breton.

Mr. Greenhous: It's very interesting. You see, when that strike started the Dominion Coal Company people approached the Mayor of Glace Bay and asked him to requisition aid to the civil power and he consulted with his local Chief of Police and then decline to do it. He felt there was no need for aid to the civil power. He declined him twice. So what they did was go to a County Court Judge by the name of Finlayson who had formally been a counsel for the Dominion Coal Company. He also was qualified to issue a Writ.

Brig Orde: Yes, yes, he was a Justice of the Peace.

Mr. Greenhous: He was a County Court Judge and within his own jurisdiction. A County Court Judge could do this.

Brig Orde: Yes.

Mr. Greenhous: So Finlayson put in the requisition.

Brig Orde: And he damned nearly got his pants kicked for it too.

Mr. Greenhous: Well yes, there does seem to be some question as to whether troops were really necessary for that first strike.

Brig Orde: Are you talking about the '23 strike?

Mr. Greenhous: Yes, right.

Brig Orde: Personally, I thought they were necessary not to quell disturbances but to prevent them. That was the main thing.

Mr. Greenhous: Yes, I see.

Brig Orde: When you saw a soldier standing on a street corner, you didn't know if his rifle was loaded, and you weren't going to go and bust windows. That's the impression I got. I think they did a very useful job there.

Mr. Hillmer: We may get back again to the circumstances of the Cape Breton business. It was in your statements about your time at the War Office in London at the same time. H.D.G. Crerar was there. Is that right?

Brig Orde: Well, Crerar was G2 of the Operations Department of the General Staff. He was a Major at that time.

Mr. Hillmer: According to my information here he was attached to the War Office from 1925 to 1927 and he witnessed the British Military and politicians in action during the 1926 general strike, back in Canada, and was subsequently appointed to Army Headquarters as Staff Officer. He prepared a report outlining the basic difference in attitude upheld by the British and the Canadians when calling out the troops in aid of the civil power, despite the fact that the law was essentially the same in both countries. While the British Government, this is what he said, while the British Government had been neutral towards both British, and towards both capital and labour, the Canadian Government had always espoused the cause of capital and had allowed the Militia to be called out whenever it suited capital's interest.

Brig Orde: Well, I'm very surprised. First, I never heard of that before and Crerar was one of my best friends. I think it was entirely erroneous, myself, and I saw a fair amount of it during the strike. The troops were not doing anything in a competent nature there at all, they were just there. That's all. And I happened to be driving my car down ... do you know England at all? Do you know where Croydon is? It's on the south there. I was driving down there when the strike was almost over. I think I was going to play golf. Crerar was with me that time. Anyway, there were mainly Guards called out there at the London

area, because they were conveniently accommodated and lodged in Wellington Barracks and so on. There were some fellows around the corner, strikers or something, I don't know what they were doing. They were bums anyway. They started to organize. You know the way they talk to each other. They come up with a cigarette or something. I don't remember any time when the British lost their temper once. I didn't see it, but it was in the papers. The dockside was a pretty vulnerable place, down around the London docks, you know. Nobody seemed to be sure about it. They were throwing heavy glass fragments at the troops. It would really cut if it hit you, you know. That was a little bit too much for the troops, so the papers said, and they shoo'd them off, that's all. They ran them off with rifle butts, and scared the pants off them.

Mr. Hillmer: I think, Sir, that that's what Crerar was saying, that in Britain the troops upheld a kind of neutrality.

Brig Orde: That was my impression.

Mr. Hillmer: Yes, now what Crerar is claiming, however, is that in the case of Canadian troops, they were not neutral, that they always sided, or not always, but they very often sided with Capital. The Canadian Government had allowed the Militia to be called out in order to suit the needs of Capital.

Brig Orde: Just stop right there. Now the same Crerar, mark you I'm not saying anything derogatory, because we were very close friends. We played golf together all the time; we belonged to the same clubs and so on. We came back from England in 1941, I think it was. He became Senior Officer of the Canadian Headquarters over there in London. He went over with his namesake The Honorable Thomas Crerar, and fixed it up so some building was hired to the Canadian Headquarters. Then he was appointed Chief of the General Staff after ~~Mr~~ Anderson was fired by Ralston. The Aluminum Company at Arvida had a strike and it was a very evil one indeed. It had serious consequences. This really is what the butler heard at the back stairs. It happened on a Sunday. I was tired of working 18 hours a day and I got my chauffeur and staff car at that time. We had a sandwich lunch on the veranda and a pot of beer, and a breath of some

Thomas Crerar
was a Minister
of Agriculture
at that time.

fresh air and so on. Thomas Crerar had been playing golf with C.D. Howe, who was the Minister of Supply at that time, and I was quite a golf companion of theirs. As I told you the other day, I think I played a pretty good game of golf and they always like playing with someone better than they were, and I was on demand. I used to slip out of my office at National Defence and give them a game, you see. Tom Crerar came up and he said "Hello Reg, what are you doing here?". I'd say "Getting a breath of fresh air, Mr. Crerar". Then I'd hear a voice from around the corner there, Mr. Howe, "Come over here, I want you, at once". And I'd say "What's the trouble, Mr. Howe?". He'd say, "You tell that goddamned Crerar that he doesn't know his ass from a hole in the ground". Well, I didn't like that language about my friend.

Henry Borden, the legal advisor of this Department who had a suite at the Chateau Laurier. Borden invited me to his suite

So that's actually what happened. And they passed this damn thing and the troops went to Arvida. As I say, Crerar wasn't acting in favour of the capital^{ists}, he was just following the laws, using words of one syllable.

Mr. Hillmer: Yes, of course there are people who would say that C.D. Howe was acting in aid ...

Mr. Hillmer: I would like to pursue that last question. I was asking you about the civil power, just one last time. I would like to ask you whether you ever had any impression that aid to civil power was being used for the purposes of Capital as against labour, and whether or not this was a rationale for the use of aid to the civil power?

Brig Orde: That never crossed my mind at all in that situation, nor was there any reason for it. My job was to see that the law was complied with. I wasn't concerned if the Civic Official or the Attorney General signed the requisition and it was complied with and unless any hitch occurred, or any question or that. The reason for it ~~were~~^{was} not up my alley at all. Nor could I advise contrary to my job in my orient. It was a matter of Government policy.

Mr. Hillmer: Have you never had any feelings or ...

Brig Orde: Never. There wasn't even any rumour of it. Let's put it that way. That might be the case. Never crossed my doorstep, not like if, you are now over in Parliament taking the Standing Forces records back in the Railway Conference and so on. That was a new doctrine that occurred later on.

Mr. Hillmer: I see. Well, alright then, and your role in aid of the civil power for the rest of the inter-war years was negligible. Is that correct?

Brig Orde: Absolutely. There was no reason for it. The Arvida was the only one.

Mr. Hillmer: OK. Now, there are a number of miscellaneous topics which relate to the other duties of the Judge Advocate General's office, and I wondered if I could just put headings to you and ask you to discuss the role of the JAG. First of all, Pensions and

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Estates.

Brig Orde: Well, let's deal with the Pensions first. Originally there was, I think it was dated 1905, it was the Militia Pension Act which gave the long service pension, based on 1/50th of your pay and allowances for each year of service. The officers contributed and the other ranks didn't, but the other ranks weren't protected in the sense that their widows did not get pensions whereas the officers' and warrant officers' widows got half of their husband's pension should they become widows. That continued in a rather cumbersome fashion. The head of it, when I first became involved with it, was Colonel Panet, the Assistant Deputy Minister, and I was a member of the Board. The Board had to use a minute for each pension. There were very few pensions because the forces were very small indeed. Thirty a year or something like that, not any more, unless there was a sickness or epidemic. Then in 1927 or 28 Colonel Ralston, Minister of National Defence, got particularly interested in the fact that the Navy and Air Force were growing in stature and they did not enjoy the pension benefits applicable to the Army. There was no pension for them. So, I think I told you this, instead of having a new Act because Ralston was scared of going to Parliament with a new Act, we added three parts to the existing Militia Pension Act, each part a prime, the basic Act with modifications to meet the particular circumstances of the Navy or Air Force, as the case might be. That worked, and it worked fine. But, of course, it's all changed now. It worked very well and then Panet retired. I was appointed Head of the Board and my office took that over and it was a component in my office. It was my own staff and we worked in close conjunction with the Treasury Officials of each service who compute the pensions for Joe Blow or John Smith, who retired. We only dealt with officers and Warrant Officers in Pensions. The other ranks were statutory and there was no ... they weren't processed by my office at all. Now that's your pensions. Now, do you want Estates now? Is that sufficient for you now?

Mr. Hillmer: That's fine. There's nothing noteworthy ...

Brig Orde: Nothing noteworthy at all.

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Mr. Hillmer: Strictly routine ...

Brig Orde: It was strictly routine and it was stereotyped. There's no question. You've got 1/50th of your pay and allowances for each year's service period, and you paid up your arrears. If there was any pensionable period there was included time in respect of which no contribution had been made then contributions all in your pay for that time would be made and deducted from your pension until they've been paid up.

Mr. Goss: If a person were Court Martialed, Brigadier Orde, and discharged, would he lose his pension or anything?

Brig Orde: Oh yes, he lost all rights, Sir. That was under the Act at that time. He had to be retired for other than misconduct to qualify for a pension.

Mr. Hillmer: Alright, Brigadier Orde, if you could move on to Estates.

Brig Orde: Estates - well, I came into it indirectly. When I joined the staff of the JAG in 1918, there was a section of it called the Military Estates. It was sort of a Directorate. It was headed by a Major Relph, Spencer Relph. He had his staff there, and mark you, there was not an Air Force or Navy to which that was applied. It was the old Regimental Deaths Act which was a British Statute. It was made applicable to the Canadian Military Forces. Military with a small "m", not Navy or Air, and it only applied to the service estates which would consist of the balance of his pay account and any personal property or clothing or valuables found in his possession, that's if he was killed, or found in camp or quarters. That's the way the law read. So it didn't apply to your own investments or to real property if you owned any. The civil law applied to that. And this Estates Branch, Canada had a lot of heavy casualties in World War I as you know, and the Estates Branch did a land office business. However it was the horse and buggy character that didn't require a great deal of mental strain to solve any of the problems that arose.

After I took over, there was very little work to do and mainly it was when somebody made a claim for, or his son's estate or something like that. It was a purely routine business to find out what was involved and what have you. The records office

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had it and we didn't have it, so I had that work transferred to the Director of Records who was still under the Adjutant General. And there it remained and nothing happened during the times of peace at all, except for one or two cases of graft and corruption, embezzlement there, but that was a civil matter and the RCMP handled that. Those matters were prosecuted by a Justice Department agent.

Then in 1939, we'd only been at war about a month or so, the then Adjutant General was General Mathews and his Deputy was Armstrong, Brigadier Armstrong. It was going to be obvious that we were going to have casualties and we were going to have them in the three services and I said to the agent that I'm not going to have this thing thrown at me like it was in the last war. I'm going to get advance notice of it and it's a matter for you people to consider what you want to have done and not my baby. You're dealing with personnel and I'll deal with what you wish, but the Air Force and Navy have got to be consulted as well. Well, they were very luke warm about it and I got mad. We had a peach of an administrator at that time. The Honourable Norman Rodgers, formerly Minister of Labour who became Minister of National Defence, replacing Ian MacKenzie who was no good at all.

Well, we got the most apologetic letter back from Mr. McCarthy and he said, "Now, if there is anything you could want here, we'll do it". So, I said to Rodgers, "Look, we're going to have to have an Estates Branch here, let's call McCarthy's office and make him stand by his offer". So we wrote him and we said we wanted a man

capable of handling this type of estate. He may run into problems in that each estate does not amount to much - a few schekkles or something like that. The number of them is going to be substantial and that means quite a heavy job and it's got to be handled punctually because we're dealing with the next-of-kin and distressed widows and orphans, you see. So he got Mr. D'Arcy Leonard, K.C., now a Senator then head of the Canada Permanent Trust Company. He and I went to law school together and he said "Well, I've got the very fellow for this Colonel, a fellow called Lorne Firth. He's in Welfare and specializes in Estate work and that sort of thing". So I got Mr. Firth on the phone and he came down and he took the job and became our Director of Estates with the three services. And it worked well and then when the business closed up for us because we weren't having any more casualties in mortal combat he went to DVA. There were more people under that Department's core than among those serving with Forces.

Mr. Hillmer: Could you put a date on that activity?

Brig Orde: That activity? Yes, I'll tell you it was October '39 that it started. Firth came to us in October 1939 and he remained until somewhere in 1945 or 1946. His office was cut down in size naturally because the amount of work diminished. It subsisted until about 1948 or so. We were involved in it, in a very, very funny fashion, I mean in the actual administration of these Estates. We transferred to the Department of Veterans Affairs and I passed out at that picture but, as sort of an aftermath, from time to time various bodies would be exhumed overseas, you know, buried in enemy territory, and this officer of mine, I forget who it was, a French officer, damn clever fellow would find a wallet, a wallet like this with a bunch of bills in it, all mildew and so on - all the effects found on the rotting corpse that they dug up. They re-buried the remains in hallowed ground and the effects were sent to us in special metal containers, you know, so these effects were pretty well preserved. They'd be shipped to our office here and we'd send them to the Bank of Canada for redemption. And it's astonishing how they, I don't think anybody ever got the full amount of the money that was in there because they weren't going to handle

just a lot of plain green pulp. I would think about 90% of the legal tender in wallets like this, were returned in new currency or in a government cheque to the next-of-kin or the widow or whoever might be entitled. Now that was unique. I'll bet very few people knew that.

Mr. Hillmer: Now, when you said 90%, the other 5% was just irrecoverable, is that it?

Brig Orde: Oh, irrecoverable, they weren't going to give us anything for that, you see. It was a substantial amount, let's put it that way.

Mr. Hillmer: OK. Well now, between the wars, did Estates play any part in JAG's operations?

Brig Orde: No. That was fairly routine under the JAG's office. The troops weren't on active service at that time, during and between the wars.

Mr. Hillmer: I see, so in other words ...

Brig Orde: Regimental, that's dead in the prime.

Mr. Hillmer: Estates were strictly a ...

Brig Orde: Subsidiary matter.

Mr. Hillmer: Yes, and they were your business during war time.

Brig Orde: Our business during war time. But only the Service Estates. If a man died during peacetime, when he wasn't on active service, his estate would otherwise be his military estate, his balance of pay and allowances in his pay book that was part of the service estate, but that would be dealt with as part of his personal estate if he died not on active service. The ordinary law of the land, just like your salary, like mine, mine today is not dealt with by the military estates.

Mr. Hillmer: I see. Could we ask you the same questions about claims?

Brig Orde: Oh now, claims are a horse of a different colour entirely, and it was rather, and as a matter of fact. It was the first time it ever happened in Canadian history. Everytime a claim in peacetime, just before World War II, any claim against the Crown for damages had to be processed through the Department of Justice. Where National Defence would get notice of a claim that, let's say, any army truck had run into a vehicle on Sparks Street here, and they were claiming \$200.00. OK, we had to go to the Department of Justice and gather evidence and

ask the Department of Justice to give us a counsel to defend the Crown, you see. They gave us counsel and 9 times out of 10 judgment would be given against us but it costs money, you see. And it was cumbersome, and that is the way it worked for about the first six months after World War II broke out. And we were getting these claims so we had to set up a Claim Section consisting of a couple of officers. They did nothing else but write letters to the Deputy Minister of Justice asking for counsel to defend the Crown, you see, and the lawyer in the Department of Justice, Romeo Gibault was his name. I sent for the head of my Claims Section, Captain Paul Belcourt (later Colonel), and said "How far behind in these claims are we?". "Oh" he said, "there are 800 outstanding to settle with the Department of Justice". So I hit the roof. I went to the Deputy Minister and we wrote a stinker to the Department of Justice. Fred Barker was the Deputy Minister and Mr. Lapointe was the Minister. They raised hell

So, the Department of National Defence received a most apologetic letter from the Deputy Minister of Justice. The Minister, Mr. Lapointe, wrote me privately, concerning this matter, asking if I'd be prepared to take on the job of dealing with Claims, within certain limitations regarding amount, without having any reference to the Department of Justice at all. Well I thought that I was rather complimented there so I spoke to my Minister and he said, "Sure, if you think you can do it". I said "We'll do it all right, but we want to have certain safeguards, for example, if we have an action against somebody who, through his own negligence, has damaged National Defence property causing damage thereto, we want to find out whether that man is capable of meeting a judgment when we get one against him. So we were empowered to employ the services of Dunn & Bradstreet to give a report on the person's financial ability to meet our claim. You paid \$200.00 a year and then up to a certain number of references and so much more after that. Anyway, they agreed that my Claim Officers could handle claims up to \$500.00 and anything over that up to \$10,000.00 either I or my deputy would have the requisite authority. They

were getting 200 or 300 of these bloody things a day, and I couldn't handle them all myself, of course, and that was that. So, we were a going concern there, and we were in big business. Sometimes we'd get 500 claims a day, from all over Canada, you know even some dealing with the Air Force too.

Now here was one of the most queer things that we did get, from the West. A farmer's wife, and ^{her} ~~their~~ young daughter, were getting over a wire fence that went across their land or divided their land from the highway or something like that, and they were both killed, electrocuted. Now you'd think it was darn strange, why a person going across his own land climbing a wire fence should be killed by electric contact. Well, it turned out, an aircraft, during the air training plan, an aircraft had hit a high voltage transmission line about two miles away, and it crashed and the line fell across the wire fence which became a ground for the transmission line. It could only be activated if the wire fell on it, you see. And these two poor things, they got 25,000 volts. Naturally, this shrivelled them up. I mean, that's one of the queer things that you get there.

Another one, we handled as a matter of fact we handled it for the British High Commissioner. I was a deputy of the British Judge Advocate General. An RAF airplane clipped the top of the Bell Telephone Building at Beaver Hall Hill in Montreal and fell in flames and wreckage over "Griffin Town" where the old Bonaventure Station was, you know. It did untold damage and the owners of the property were absentee landlords. But other people were living there, and so the British High Commissioner asked me to handle the thing for the British and got the Justice Department to appoint a Royal Commission and I supplied a registrar and our attendant, the Chief Justice of the Superior Court. He was a Commissioner. And the British Government agreed to pay the same compensation to the people as we would pay had it been our plane. And that worked very well. It met with approval from all quarters for avoiding all the infernal delays common to the administration of Justice in the Province of Quebec. You go and bring an action and it might be four years before you got your money, and so on. But in this case it was cash on delivery.

The case was settled within a period of 3 or 4 weeks.

I'll give you one very fine illustration. Camp Borden grew like a mushroom from two men and a boy before the war to 15,000 troops later on. They cut wood and that, and they operated The Canteen Committee which also ran a lucrative bus service from Camp Borden and Alliston into Barrie, and what have you. And they made money out of it. They had a fleet of about 10 or 15 buses. But the damn fool Canteen Committee had all their insurance in the name of the Committee. Well, how I found out about it was my Claims Officer came in one day and he said an Army truck biffed one of the Canteen buses and smashed it to smithereens, The Canteen had a claim against the Department and its Insurance Company. The Insurance Company wouldn't pay the claim because the Canteen Committee was in a nebulous body incapable of suing or being sued. "Well", I said "of all the dirty goddamned skunks I've ever seen". "The Insurance Company accepted the heavy premiums that they're charging the Canteen Committee and I'd like to get the boss fellow in Ottawa that represented this company and tell him I want to see him". My father, who was a judge of the Supreme Court of Ontario, had tried a case in which an automobile fell into the St. Clair River at Sarnia after the ramp connecting the wharf and the ferry boat collapsed. The Insurance Company insuring the automobile refused to pay the compensation covering the damage to the vehicle while in transport on the ground, that the ramp was not part of the ferry boat but part of the wharf. As a result my father had no alternative but to dismiss the action. My father was so angry at the use of this technicality by the insurance company that he held a press conference to reveal the situation. As a result of this publicity the Insurance Company was unable to sell insurance in the Sarnia area and subsequently went out of business. So I said, "I'm going to pull it on this Joe here", this case concerning the Committee. I told the Insurance representative that his Company accepted the premiums and were using a legal technicality to avoid payment of a claim. I didn't know it existed that way, that the Commanding Officer for the time being was the insured, you know, that they operated

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the Canteen and then that person believed it you see. But I can't make it retroactive, but you accepted the money and so on. And so, what I'm going to do, if you don't pay up, I'm going to phone the Adjutant General and all the three administrative heads of the three services and set forth the circumstances of this case in the Routine Orders which everybody reads". "Oh" he said, "you wouldn't do that". "You bet your sweet life I would" I said, "we'd do that, just damn renegades, you ought to have your asses kicked". So they paid up. You can tell that story if you want to. It's perfectly true.

Mr. Hillmer: Now, to go back, could you put a year on the point at which you took over claims?

Brig Orde: I took over claims, I think it would be by an Order in Council, but I would say it would be about 1941.

Mr. Hillmer: 1941, so it was war time.

Brig Orde: War time, yes.

Mr. Hillmer: Before 1941 there was no ...

Brig Orde: It had to go to the Department of Justice.

Mr. Hillmer: That's right, so you had no ...

Brig Orde: No say at all. Except we recommended defending it and that was all. It had to be cleared. It was their baby. And they lost a damn good bit of patronage by handling it over to me, let me tell you.

Mr. Hillmer: Yes, now when you said recommended defending it, what do you mean?

Brig Orde: Well, that a case was worthwhile defending on the ground that at the time it could not be determined precisely that we were entirely at fault. I would recommend our liability be tested in court. The quantum of damages might be excessive, etc.

Mr. Hillmer: I see. I think we're almost to the end of our tape, aren't we?

Mr. Goss: Yes.

Mr. Hillmer: OK. Could I ask you quickly, between 1919 and 1939 whether the administration of Military Justice was an important part of your activities?

Brig Orde: Comparatively little. It was there. I kind of estimated in percentages. But they were always, you see, the Army would grow

at one speed, the Navy would grow at another speed and ...

Question: About the Canadians who were attached to the R.A.F. over in the United Kingdom, if they came up for Court Martial.

Answer: They would be tried under British law and usually by British Officers too or it could be a Canadian Officer but not necessarily as such. A Canadian Officer who was not serving with the Royal Air Force would not be eligible to sit on a Royal Air Force Court Martial.

Question: Did you have people who would attend the trial?

Answer: The accused could get any defending officer he wanted. He could have a civilian lawyer if he wanted. Oh yes, there was no difficulty about that. It was a British court and if there were any Canadian Officers serving on that court they were only doing so because they themselves were serving together with the Royal Air Force and they were not there as Canadian Officers per se. They were there as officers of the Royal Air Force. Some man might be attached to the Royal Air Force for six months, then he would go back to his own unit. No problems at all. The R.A.F. unit in Canada if you want to call it such was the Atlantic Transport Command at Dorval. They were under National Defence Headquarters. It was all part of the British Commonwealth Air Training Plan and we were the administrators of it. Canada was the administrator of the BCATP.

Question: What about the foreign nationals who came in later on?

Answer: Oh yes, well we had special orders and arrangements for this class whose nations were not parties in the BCATP.

Question: The Visiting Forces Act didn't apply to them?

Answer: As far as I am aware, if my memory serves me right the small Air detachments or Air Forces of other powers such as the Netherlands, the Norwegians and the Poles, were governed by special orders in council passed under the War Measures Act. They dealt with their own disciplinary problems and administered their own affairs independently but they did at times consult the JAG office. Their own officers were quite capable of looking after their affairs. They did not have any real problems requiring our advice. All I know is this, that the Netherlands Air Force unit in Canada seemed to take care of itself pretty

well and if it wanted any legal advice, the Netherlands' Ambassador use to come and see me about it. The Netherlands made me a Commander (Order of Orange Naseau (with swords)) for my services to them during the War.

Question: In regard to the Americans, there were quite a few Americans serving in the R.C.A.F. Was there any problem in regards to discipline of these people.

Answer: If these were Americans who enlisted or accepted a commission as an R.C.A.F. officer they became subject to our R.C.A.F. Law regardless of their citizenship. If they were Americans attached to the R.C.A.F. for the purpose of training only they had to be members of the U.S. Forces and upon any breach of Canadian discipline by them they would be detached and returned to their own U.S. units where they would be liable to be dealt with.

An American who joined our forces lost his American citizenship and this created quite a serious problem because any such person was actually a man without a country. I had something to do with that. I tried to rectify it because I was a very close friend of the American Military Attaché. Also I had the closest relation with my opposite number in Washington General Kramer the Judge Advocate General for the United States Army and Air Force; I used to go down to the Judge Advocate School at the University of Michigan at Ann Arbour, Michigan, twice a year and give a lecture on the principle of Visiting Forces. I assisted the American Government in writing a U.S. law corresponding to our Visiting Law Act. They had their own laws, quite similar to our. Towards the end of the war Congress passed a law providing that those Americans who served in the Armed Forces of Canada, who wished to resume their American citizenship could so do by signing certain declarations made at the American Embassy or the American Consul General's Office. This procedure seemed to clear up the situation. Everybody lived happily everafter. Perhaps we could sum it up by saying there were no real legal problems but there was a lot of work to be done in keeping it on the proper legal level. To check what happened there and common sense seemed to be the prevailing theme of all our doings there. I can't think of anything more. Throughout

World War II the relationship between the Canadians, the British and the other Dominions and the United States and the other foreign powers were absolutely unbelievably good. Each one was trying to understand the others at all times. I know of many instances where people would go out of their way to try to achieve a proper understanding of the problems which the other side faced.

This is the 7th interview of Brigadier R.J. Orde. August 15. Today we are going to talk about a number of miscellaneous subjects one from every decade right into the Currie trial, the Brengun inquiry, the Merchant Seamen Order and the National Defence Act. But I think we should begin with the most important of these and I think Brigadier Orde that you mentioned at one or two points in previous interviews that you felt that the Merchant Seamen Order was a fact of as much or greater importance than the British Air Commonwealth Training Plan and I wonder, Sir, if you could begin by telling us why that was so and then elaborate on the Currie Trial?

Answer:

The Merchant Seamen Order was a creature of invention of the Director of the Trade Division of the Naval Headquarters, Captain E.S. Brand of the Royal Navy. Mr. Arthur Randles who was then the Canadian representative of the Cunard and Donaldson Shipping interests held the civilian appointment of Director of Merchant Seamen. I have forgotten what the Department was but that is immaterial. Very sound man he was. They were having difficulties particularly in connection with the seamen who were jumping ship in Canada. It has got to be borne in mind that due to the fact that the United States was not at that time at war the main assembly point for sailing to the United Kingdom was Bedford Basin, part of Halifax Harbour. This had been foreseen so I have been told by other sources long before the war broke out. There would have to be an assembly point somewhere and Bedford Basin was the logical place for it. There were difficulties presented in this way that some of the ships were of a foreign registry. The ships were not all registered with Canadian or Commonwealth countries. There were Greek, Italian, Liberians, pretty much a polyglot there. I am speaking now from second hand information

that didn't come across my desk but I was told about because I might be involved in dealing with the matter.

Britain was troubled by the same problem of seamen jumping ship in British ports. They had a most complicated and bizarre system which involved the MI 5, the secret security branch of Scotland Yard, the military intelligence and one or two other branches. It was a very cumbersome process to take action bearing in mind that the imperative task at hand, was to keep the convoys sailing otherwise Britain would starve and the War would be lost. The Canadian authorities decided on a measure which would be expeditious in limiting delays caused by defection of merchant seamen. The result was the passage of "The Merchant Seamen Order" under the War Measures Act. Briefly this Order provided;

- (a) that in respect of one or more seamen who refused to sail the Master of the Ship concerned would report the facts of the case to the senior officer of the Marine Department of Canada at the port where the ship was lying,
- (b) that officer was required to immediately appoint 3 persons to a committee of inspection to investigate the matter and ascertain the facts,
- (c) on receipt of the committee report the senior officer was required to appoint a court of inquiry at which the accused seaman would be tried.

If this court of inquiry found the seaman guilty of the charges laid, it had the power to sentence him to term of imprisonment unless he return to his ship immediately. The result of this method was that the matter would be cleared up in a week or less. Most of the seamen involved returned to their ship rather than go to jail. The end result was that a ship's sailing was not unduly delayed as it was with the British method of handling similar cases.

I was present at nearly all the discussions concerning the Merchant Seaman Order, but I think it was the brainchild of

Captain Brand, Mr. Ranelles and Mr. John Reid, the legal adviser for External Affairs. I think I played a little bit of a part myself. We all shared in the enterprise and it met with the complete approval of the Canadian Government. There were many anxious moments over these jumping of ships and our system under the Merchant Seamen Order eventually became very successful in meeting the problem, so much so that the British were amazed at our beating them to the gun because they hadn't got rid of ridden the old horse and buggy methods they had adopted.

The system is this. The order was passed and it provided that a Master of a Ship would report the names of the seamen /ship who jumped to the representative of the Federal Department of Marine in the Port where the desertion occurred. This representative had power to convene what was known as a Committee of Inspection consisting of people with marine experience. They were assistants of his Department, Naval personnel or other persons with an appreciation of the perils of the sea. They would go aboard the ship and hear what the Master had to say and what happened to the deserters, who by that time had been caught. They also considered if the case was one where some punitive action was warranted. I say punitive in the broad sense of the word because it might not be a punishment but it might be a deterrent to future offenders. A disciplinary committee was appointed by the Master of the Port concerned consisting of at least 3 officials who had knowledge of the perils of the sea. They would try the case. This Committee had the power to commit the accused to jail or some other suitable place of detention for a certain period of time in the port where the desertion occurred. There was a right of appeal but I know of only one instance where that was taken. In any event our system acted as a deterrent and it worked. It wasn't a very happy circumstance for the crews, because I saw many of them and those poor devils had the pants scared off them. They didn't want to go back. They didn't want to go anywhere. They wanted a soft bed in Canada regardless of the consequences. They had the daylights scared out of them and thus chose to return to their respective ships and convoy duty. However that had to be

done if we were going to win the war. You had to be tough. Two very interesting cases occurred. The first, I have forgotten exactly when it was but I think it was in 1943 or 1944 when the Queen Mary and the Queen Elizabeth were the biggest ships carrying 23,000 bodies in fast runs across the Atlantic without escort. In this particular case the Queen Mary had suffered some minor damage and had to go into dry dock for a short time. So the crew who picked members were given a leave of absence to come up to Montreal. There were quite a number of them. The head of the Marine Department in Montreal was quite a senior official. He had the rank of Assistant Deputy Minister. He came across a situation where two or three hundred ratings came to Montreal and refused to return to their ship. There was quite a problem. It turned out that while they were on leave in Boston, they had seen some tropical uniforms or gear being put on board the Queen Mary and they thought the ship was destined for the Pacific Theatre, and they weren't going to go. However they were in Montreal. So this chap telephoned Mr. Randles who was head of the Merchant Seamen branch of the Marine Department in Ottawa. He phoned me and I nipped down to Montreal to see what the score was. Well, no doubt they had offended, so we convened a court. All 300 seamen were tried. The court didn't last for very long. They all did go back. I mean that's how it worked. The other one was a very horrible thing. It didn't happen to a British ship, it happened to a Greek ship. The Greeks were notoriously kept. The Greeks were notoriously, poorly kept, poorly handled and the food was pretty lousy, what have you, and the Greeks, I've forgotten the name of the ship but it had a very high desertion rate. The seamen, about a dozen of them jumped ship. They were picked up and put in detention. An investigation was made and all the requirements under the Merchant Seamen Order were incarcerated in the Quebec jail. Someone on behalf of these Greek seamen retained an outstanding lawyer one Mr. Noel Dorion, K.C., to apply for a writ of habeas corpus on the ground that the Merchant Seamen Order was ultra vires. Our case was presented by Mr. Valmore Bienvenue, K.C., a leading member of the

Quebec Bar practicing in Quebec City. Although Mr. Bienvenue was not a civil servant or on my staff I had authority from an Order in Council to retain him without reference to the Department of Justice. I was instructed to be present while the case was being heard. The case was heard by Mr. Justice Boulange of the Quebec Superior Court who dismissed the application and upheld the conviction and the seamen, upon being given the option to return to their ship, did so. But then now that's how it worked, and it worked fine. The result was that the convoys kept on going. The only thing that Halifax didn't like about the situation was it had to experience an overflow of seamen ashore while their ships were in port. The situation was aggravated by a paucity of restaurants and other entertainment spots where the seamen could relax. The City Council refused to grant any restaurant permits to meet this situation. The result was that there were only two restaurants commonly known as "The Greek" and the "Greek Dragon" quite insufficient to meet the wants of the seamen. That gave rise to riots in Halifax on V day. But anyway ... that ... The day ... They were

There were in the neighbourhood of 30,000 sailors and merchant seamen in Halifax at any given time during the War. Now that's a lot of people crowded into a city the size of Halifax. So anyway we had no trouble with them at all. Now, that's the essence of the Merchant Seamen Order and it worked. It was simple, common sense was used. Sympathies weren't misplaced. The iron glove was supplied when it was needed, and that was the end of it. And the British were envious of our success. We thought they thought we were crazy. That's what they told me. I was over there many of times.

Question:

Why crazy?

Answer:

Well, they thought we were crazy, crazy in doing the sensible thing instead of applying illegal methods to obtain the same results. It was bad enough as it was. The ships were going down all over the place and the U boats, were everywhere and the little corvetts were being tossed hitherto yon and the five team crews when they came ashore at Halifax, I've seen them when they came ashore in England. I made it my business to go down

to the docks and see them and their nerves were pretty nearly at the breaking point after a crossing. As a result the Merchant Seamen Order worked and nobody was badly hurt. The men were well paid, and the conditions aboard the ships were improved. I think the Merchant Seaman Order was one of the big factors in keeping Britain supplied with food, ammunition and material from America. That's that. Yeh.

Question:

John, do you have any legal points that you want to put on that? Legal. Legal Points? Wait, wait, wait. Thank you. Yeh. Uh. Can you give me the Brigadier or the next thing I wanted to ask you about was the part of the Judge Advocate General's Office and of you personally in the Bren Gun Inquiry and perhaps to refresh our memory it would be worthwhile for me to read a couple of paragraphs from the terms of reference of the Inquiry, a Royal Commission was issued to the undersigned, that is maybe a clerk of the Privy Council under the date of September 7, 1938, pursuant to Authority of the Order in Council P.C. 2251 passed on, passed on the said seventh day of September, 1938. The Privy Council have had before them a report dated September 7, from the Right Honourable W.L. Mackenzie King, the Prime Minister representing that a certain Canadian periodical publication dated September 1 contained a general article under the caption Canada' Armament Mystery purporting to have been prepared by Lieutenant Colonel George A. Drew, no doubt a great friend of yours. Gosh yes.) The Prime Minister observed that the officer criticized the provisions of a certain contract executed on the 31st day of March, 1938, and tabled in Parliament on the 29th day of June.

between His Majesty the King or presented by the Minister of National Defence for Canada and John Ingles Company Limited whereby the Company undertook to furnish to His Majesty a certain supply of Bren Machine Guns for the use of the Defence Force in Canada, numerous allegations relating to the negotiations, the terms of the contract and the transactions thereunder were made by the officer as a result of which considerable public interest has since been evinced. As the terms of reference go on to say that the Prime Minister wanted to set up an Inquiry and an Inquiry was hereby set up. And I wonder if you could describe the circumstances under which you became involved in this Inquiry?

Answer.

Sometime in the late autumn, the year is 1938, isn't it? In the late autumn of 1938 I happened to be, for some particular reason, nothing to do with the Bren Gun, in the Office of the Deputy Minister of National Defence Lieutenant Colonel Leo LaFleche. He had a long table or something, along side this big room. There were two machine guns placed on it and I said "Are you going hunting Leo?" and he said, "No, those are two Bren Guns." I'd heard of the Bren Gun in my life before, and he said, "We got them from England and we're thinking about adopting them for Canada and I said "Maybe so", I said, "Oh". He said "They're rapid firing machine guns. They're tied up with all sorts of licensee provisions and so on because they belong to the Company in Czechoslovakia, Byreno is the name of the Company." And I thought nothing more about it and I finished my own business with him and left.

Two days later I was down in LaFleche's office discussing some other matter and he said "Do you know anything, did you ever hear of a Company called the John Ingles Company?" So I said that I not only heard of the John Ingles Company but when I was an under-graduate at Trinity College in Toronto from 1909 to 1913, Trinity College was at the north end of Strachan Avenue on a big plot of ground. On Queen Street West and down Strachan Avenue there was situated a foundry and works known as the John Ingles Company and we under-graduates would often walk down to a pub on King Street which was not far away from the John Ingles Company to see them tossing big boilers and heavy machinery for maritime purpose and other heavy machinery, and it was rather interesting to see the sparks fly when they were throwing the heavy casting into the sand molds. And they always welcomed us as kids down there and they'd show us around and they were supposed to be a very reputable company and I told the same to LaFleche. The Company was owned at that time by a party known by the name of Campbell in Toronto, notable and well to do and worthy kind of people but as I say I know nothing about them at all you see. I reminded him that I knew nothing about the company and its operation at the present (1938) and what I was relating to him was information and observations I made prior to 1913.

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A few days later he sent for me and said "Look we're making some progress we've set up a committee to discuss and decide things and ideas to try to get a licence from - I believe the Byreno Company in Czechoslovakia or from Great Britain, who I think under this licence had the power to re-licence in the Dominion to make the gun. I said I suppose I should have said, "I should have told you that John Ingles Company was sold to Colonel J.H. Haln, D.S.O. I knew something about Colonel Haln but not much, except that he was sort of an odd ball - he won the DSO in World War I. So I didn't know about him but sometime later I made some enquiries. It turned out he was enthusiastic about weapons and guns and was quite an expert shot - I found out later when I got to know him quite well and had dinner with him that he had a rifle range down in his basement, a small board range and he was just crazy about that. I also found out through my own grapevine that he was very interested in matters relating to patents. He invested some money in some radio company - I forgot if it was Rogers Electric Company or something like that and he made alot of money and soldout a few years before and was now looking for some place to invest his profits. He had idea that if ^{/he} bought the John Ingles Company he could turn it into a weapons factory. The man wasn't nuts or anything. Unfortunately for him his lawyers were the Paxton brothers one of whom was a member of Parliament. They were very decent chaps. One of them (Percy Paxton) was Deputy Minister of Justice - the other brothers were partners in a law firm, and they had what would be considered a good law practice. The younger brother Hugh was a Member of Parliament. He was also a hockey player. It was through Hugh Paxton at first that LaFleche got in touch with Haln because Hugh Paxton had been in LaFleche's office and had seen the guns. /t/ The result was that Haln who apparently had acquired a considerable interest in the Ingles Company got in touch with LaFleche. Apparently I inferred from LaFleche it was decided that Canada would be interested in the manufacture of the gun and that the War Office in London might be willing to participate.

This was done and

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the War Office agreed to participate, subject to terms later to be agreed to. The War Office agreed. ^{fr} A Cost Plan Committee was formed, consisting of the Commissioner of Income Tax, Assistant Deputy Minister of Finance and two or three senior members of the Government Service with I think LaFleche presiding. As I had had previous experience in successfully drafting a cost plan contract with the Blackburn Aircraft Company of England, in England for the construction of "shacks" for the RCAF

The fourteenth draft of this cost plan contract was finally approved by all the parties and we were all very pleased with our accomplishment. ^{fr} After the contracts had been awarded an article appeared in an issue of Maclean's magazine written by Colonel George Drew implying that the Department of National Defence should have called for tenders for the manufacture of the Bren ^{/in} gun rather than award a contract to a firm which close relatives of a member of Parliament, i.e. Hugh Paxton, had some interest. ^{fr} George Drew was a very decent chap and I always liked him. He later became Premier of Ontario, but anyone could have succeeded Mitch Hepburn. George Drew had the unique genius of being able to ferret out the flaw in any plan and knock down and destroy someone else's work, although he did not possess the same ability for positive and creative work. ^{fr} A Royal Commission was established to investigate the whole affair. During the course of the hearing I was called as a witness. The Commissioner, Mr. Justice H.H. Davis of the Supreme Court of Canada chastised me for including in a number of earlier drafts some provisions which he considered to be objectionable, but which in the course of drafting I knew would not be included in the final contract and were subservient to most of the other provisions which were of greater importance. The Commissioner's comments were I thought quite undeserved and uncalled for and I told him so in no uncertain terms. I was threatened with contempt of Court by the Commissioner who almost jumped over his desk at me. This outburst of his and his actions, I believe might perhaps have diminished the respect which he otherwise enjoyed. You can imagine how I felt after making 14 drafts of the contract, I was nearly crazy. So anyway, I won

the battle and the report of Royal Commission was not unduly harsh so far as I was concerned. A member of Parliament made some caustic criticism about me and my ability as a draftsman, but another member of greater stature than the critic came to my rescue and all was well. In this connection I was also the target of adverse criticism by this member on several other occasions; he also had his rights on other members of the public service. It was with great satisfaction that on Wellington Street near the Chateau Laurier he accosted me and I struck him saying "he could do what he wanted in the open instead of hiding behind the cloak of privilege which ^{/he} enjoyed in the House of Commons." The member left me alone after that.

With regard to the Commission itself my opinion which was shared by many who attended the Commission sittings was that Ralston, the Commission's Counsel had in his presentation of the case "put the cart before the horse". It would have been preferable had the method of reaching a contract with all its complications being dealt with first, and then the technical details respecting the manufacture of the gun dealt with later. Instead of this, the presentation was entirely reversed. The Department was very fortunate in having as technical experts two Ordinance Officers. Captain M.P. Jolley and a Captain or Major Mayhew. The former had undergone a course at the Royal Armes Factory at Enfield Lock, England. It may be that Mayhew had also attended the same type of course. In any event, Jolley in particular gave most valuable information to the Commission respecting the manufacture of the gun. To sum up the Commission said that there was absolutely no foundation for any allegation of improper dealing or impropriety. There may have been errors in judgement in respect of certain details but there was nothing irregular. I say everybody could make a mistake. LaFleche made a mistake. Ralston made a mistake, putting the cart before the horse. For my part I would not have acted differently even if I had had a choice.

Question: We wanted to ask you about the new National Defence Act of 1950 which replaced the former separate statutes governing the Forces and provided among other things for a uniform code of service

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discipline for all three services. I think a proper way to begin would be to ask you if any attempts had been made prior to this date to rationalize the old hellterskellter of acts, orders in council and legislation, yes and in particular the Militia Act.

Answer:

In the early part of 1939, Colonel LaFleche then the Deputy Minister of National Defence and I discussed the desirability of having all the legislation relating to the Armed Forces reviewed and enacted as legislation complimentary to the National Defence Act of 1923 which created the Department as such. Colonel LaFleche thought that it would be a good idea. He made certain suggestions, none of which I could swallow at all. However he arranged for a lawyer, Maurice Olivier, Law Clerk of the House of Commons to come in during the summer recess and do some preliminary drafting. This was more a scissors and paste job which he did. When World War II broke out, this gentleman's employment was terminated and what little work, if any, had been done, put in the waste basket. So from there on until a year or so prior to 1950 no work had been done whatsoever to homogenize the conglomlerate legislation relating to the legal position of the Armed Forces. Is that what you want now for that?

Now I've forgotten the exact date the bill itself that emerged from what I'm about to mention. It was passed in 1950 but it was about 1947 or thereabouts that Mr. Claxton, who was the Minister of National Defence and very much interested in military law long before he became Minister had a long talk with me and we discussed the whole situation in very meticulous fashion. He agreed that it would be desirable for a committee to be formed with myself as chairman and for me to start work on the matter immediately.

His idea was to put into one legislative vehicle all the provisions concerning the functions of the Department and the administration, discipline and related matters pertaining to the Armed Forces. The Defence Research Board also came into the picture too. ^f

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Otherwise the job would never be done.

He sent for the three Chiefs of Staff and the Deputy Minister and told them what his plans were and that there was to be none of this after a committee meeting for Joe Smith or Tom Brown to say, "Oh, I can't give you an answer, sir because I'll have to go and see my boss." That was the one thing that had to be dodged and if it was a view to settle the point in dispute to consult higher authorities

Otherwise this job would never have been done. I was fortunate in having a committee of Navy, Army and Air Force personnel of sufficient status and experience to enable them to handle the bulk of the problems that arose. I was pretty well divorced myself from all my other duties and left those to other people in my Office. Ninety per cent of my time was spent with the Committee mentioned, and in drafting the proposed Act. Incidentally, on two occasions, I learned from my correspondence with the British Judge Advocate General that they were being faced with somewhat the same situation in re-vamping their Army Act and Air Force together with the rules of procedure thereunder. In Britain there was a Royal Commission under Lord Justice Lewis to deal with the whole matter including the regulation of courts martial.

We were close friends, and I felt sure that Sir Henry would leave nothing undone to give me what I wanted. That helped no end in drafting new Canadian legislation relating to courts martial and other Disciplinary Tribunals. We decided that the Act we were to draft would consist of a number of parts each covering some specific subject matter. As the work of the Committee got under way we would send copies of what we had drafted up to date to the Minister, the Deputy Minister, the three Chiefs of Staff and any other

senior official which the subject matter of the draft would affect. When we sent out the drafts mentioned, a time limit for any comments or suggestions was set. These were to be sent to the Committee within 5 days after the receipt of the draft by the recipient. This was done at the insistence of the Minister to avoid delay in the preparation of the new statute.

Question: Did you run into any opposition from any of the established Armed Forces?

Answer: Oh wait a sec now, what sort of problems did you have in mind?

Question: This great novel act which was totally different from one of any that had existed before?

Answer: Well it was a novel act in the sense that one statute covered the whole sphere of the Defence Forces regulation and government. There were certain difficulties, In one particular instance, a former Chief of the General Staff who had perused that part of the main act dealing with the powers duties and functions of Chiefs of Staff held the view that a Chief of Staff in the event of war should be given command of the Forces of his own arm of the service. Mr. Claxton had already received a copy of the same portion of the draft as this Chief of Staff. So anyway, this Chief of Staff wrote the Minister to the effect that he wanted to have it changed so as to give him or any other Chief of Staff this power in time of war namely to act as Commander in Chief of all the Forces of his arm of the service as well as being Chief of Staff.

I sent the runner over to the departmental library to get Lord (formerly Sir William) Robertson's book, "From Private to Field Marshall". Robertson ended up his military career as Chief of the Imperial General Staff and he recounted in his book that Lloyd George who was his Prime Minister at the time Robertson became Chief of the Imperial General Staff had suggested giving him power of command over the British Forces in Europe. So Robertson said well that's crazy, because I would be giving command to myself or vice versa.

The Minister answered this Chief of Staff's comments

by sending him a copy of this book together with my penned comments. Well the result was that that idiot there, he is dead now, wouldn't speak to me for a couple of years. It took his hide off there so you see. But apart from that and other picayune details, sometimes you reach a stage in drafting as many things as I have done, that you sometimes can't see the woods for the trees. It is extremely helpful to have some constructive criticism there, but that was what we wanted and that was what we got and the result was that this Act is a pretty complete job. It took two and a half years to draft.

Question:

Brigadier Orde you mentioned that you spoke to your equivalent in Britain, the British Judge Advocate General, did you would necessarily compare ideas probably. Would you have modelled any of the sections or any of the ideas say from Britain or from the United States.

Answer:

My discussion with the British Judge Advocate General and what he told me would be comprised in the Lewis' Report on Courts Martial, it was decided that the role of a Judge Advocate at a court martial should be substantially changed so as to make it conform in some degree to that of a judge at a trial by judge and jury. There were one or two other procedural suggestions made by the Lewis commission, which we were only too glad to incorporate in our draft. Likewise some of the, it is hard to describe what it was, rather stupid things in the Kings Regulations that were in the rules of procedure. Anachronisms which had no possible bearing at this time and were only cluttering up the rules. On the other hand we all realized that in the administration of discipline in the armed forces, a great deal of importance was given to what the layman might think were rather stupid or incongruous ideas. These ideas or traditions were in effect revered by the personnel to whom the same related. Some of these traditions dated from the days of Wellington and Nelson and it would be a shame to destroy them merely because some fellow might say had no value.
/they

A perfectly good illustration, is the following. You have seen them changing the guard. When I am talking about these anachronisms, they crop up periodically and it would be hard to find a description that would illustrate what I am driving at

but I can give you one. You have seen the Changing of the Guard at Buckingham Palace and you have seen it in a minor degree here in Ottawa during the summer months. In rear of the guard while marching after it has been mounted on Parliament Hill, or in England marching along Buckingham Palace from Chelsea Barracks or Wellington Barracks you see trailing at the end of the parade a soldier in uniform. Instead of wearing the bearskin he is wearing a forage-cap and he is not dressed in the same fashion as the rest of the guard. A friend of mine who is an expert in the lore of the British Army and was a colleague of mine at the Imperial Defence College explained this particular so called anachronism. In the old days when the Captain of the Guard usually got drunk, the warrant officer next in waiting who trailed the guard on its way to being mounted had the job of putting the Captain of Guard, when the Guard was subsequently relieved, into a handson cab to return him to his barrack. He found it difficult while wearing his bearskin to shove the Captain into the cab. He then got permission to wear a forage-cap instead of his bearskin. Now that sounds childish but some bright pundit at the war office a number of years later decided that it didn't make sense having a man dressed differently. Well the whole brigade of guards went up in arms and they went to the king or the queen whoever the monarch was. The monarch told the ministers to leave the guards alone. But that is the sort of thing that is cherished. And the same way that my own regiment the Artillery is supposed to be the pride of the line, and is given a position on the right of the army. Well thats just - why shouldn't it be. But some misguided fool tried to have that destroyed. That doesn't do the morale of the troops any good to have that sort of thing done and we had to guard against that sort of bigotry, to put it that way, on the part of some desk-hound in National Defence changing something. We made a number of provisos put in that way that would preserve it, all done in Parliamentary language of course.

Its August 3rd, this is the fourth interview with Brigadier Orde - we're picking up where we've left off - on the discussion of the administration of military justice from 1919 to 1939. Now Brigadier Orde I want to ask you - What I'm interested in Brigadier Orde is the amount of time you spent on the administration

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of military justice and the ways in which you spent that time prior to the Second World War?

Answer: The answer to that is comparatively simple. There were numerous infractions of the military code; some were minor, some were major, some were front page news but the lesser said about those the better. In the final analysis with a very small degree of what might be termed as crime, Justice was pretty well meted out. [#] There are one or two occasions when umbrage was taken possibly over my decision or those of my subordinates which required some rectification.

He was the Prime Minister and he could have it passed by the Cabinet. The officer concerned was a very very well known individual in his own part of Canada and was as a result of the original sentence living more or less in the dog house. The Cabinet i.e. The Governor in Council commuted the sentence to one of Dismissal from the Service. As a result the officer was more able to hold his head up. There were other instances of what might be termed local disciplinary action activities in various commands. Although the offences may not have been particularly serious they required a great degree of consideration and thought and a studied application of the principles of law. That was my responsibility and this situation lasted until World War II broke out.

Question: Thank you Brigadier Orde - I wonder if you could tell me the method of Court Martial - and what your role in a Court Martial was?

Answer: Now that is very simple. It depends on the sort of court martial

but in the ordinary line of events it would be the District Officer Commanding, who would convene the court martial. It might be a District Court Martial as you call it, or a General Court Martial. I would supply or arrange for a Judge Advocate and if the occasion demanded for a presecutor. From that time on the local military authority was responsible for the continuance of the proceedings of the Court. When the Court had completed its duties and if I found the proceedings regular and the finding and sentence according to law I would return them to the confirming authority with my opinion. The confirming authority never refrained from confirmation. If it was a General Court Martial and so requiring confirmation by the Governor in Council, I would if satisfied that everything was regular and according to law, report this to the Minister who would in turn report to the Clerk of the Privy Council sending all the proceedings of the Court Martial with my report prepared for his signature.

Question: If you found there was some question as to the legality or severity of the findings of the Judge Advocate, what happened then?

Answer: The answer is very simple - if there was any illegality I would so report and would recommend that the proceedings be quashed. If there was any improper interference on the part of any participant in the proceedings I would recommend that the proceedings be set aside and a new trial ordered.

Question: You say recommend, Brigadier Orde - I wonder was your word not the final word?

Answer: My word wasn't the final word. I was not the supreme authority. I advised the appropriate convening authority and it then became a ~~matter~~ ^{word} for him to determine whether he should order a new trial. The matter might happen to be one for the Privy Council ^{/of Canada} and if it was, the convening authority would be advised of Council's decision and the trial held. At this point and I might say that experience showed the desirability of creating a Court Martial Appeal Court. Such a court was created some 10 years later.

Question: John are you clear on the court martial - The thing that I really don't understand and this is probably because I'm not a lawyer is the way in which the authority seems to be different in each case - you talked about the supreme authority in the one case

being the Privy Council Office and in other case - that would be the General Court Martial I see - In a General Court Martial, the supreme authority was the Privy Council was it? It would have to be confirmed by the Governor in Council I see - Fine district or what have you -

Question: The only other aspect of administration of the office which we haven't gone into is the whole question of property and leases and I wonder if you could outline in that ?

Answer: I don't know how to start this - how far would you want to go back?

Question: I'm asking a question here - ok - I think we could go right up to 1945. I mean anywhere you want to begin - in between there In between the wars up through the war and this is real property - lands.

Answer: For many years the Militia Department subsequently the Department of National Defence had control over a large number of properties the bulk of which were covered by the provisions of the Ordinance and Admiralty Lands Act. This Act related to the properties in Canada originally under the control of the British Government. /Many of these were most desirable lands. The original acquisition I suppose had to do with the possible defence of the East Coast of Canada, but as time went on various tycoons particularly the Canadian Pacific Railways Company and their executives acquired under lease the lands mainly around St. Andrews, New Brunswick.

Question: Do you want all this?

Brig Orde
Answer:

Yes, I do

Brig Orde: Many of the ordinance and admiralty lands involved in that community of New Brunswick were leased for various periods of time by people no less than Lord Shaughness and Sir William van Horn. I know this because I wrote the renewals. There were other eminent people who leased property around St. Andrews and the renewals of their leaseholds passed through my office. Then on top of that there were other curious leaseholds some of which existed in the northern peninsula. I can't recollect that they presented any problem at all but the bulk of our properties in those days were situated in eastern Canada. There may have been some in the Halifax area but that I can't recollect. Now is that what you

wanted to hear. Yes -

Question: Would that cover the work that you did on leases and properties - would that be all that you did or were there other areas?

Answer: Oh, many others that came along there - What I have been referring to were leases which were in existence or had been renewed before I took office as Judge Advocate General. Then there came a number of other problems that had to be solved. A very good illustration was the acquisition of the property near Vancouver known as the Blair Rifle Range. A large portion of the land intended to be used as a rifle range consisted of lots whose owners were in arrears of payment of municipal taxes. The municipality had some species of lien on these lands. This was unknown to me when the proposed purchase by the Government was referred to my office. The Government wanted the ^{land} ~~lead~~ at the earliest possible date so as not to delay construction of the rifle range. My task was to arrange how this could best be done preferably through discussions with the Municipality in question. On my advice, National Defence advised the Department of Justice to appoint a counsel in Vancouver who was to arrange if possible an amicable settlement with all the parties concerned; respecting the amount of compensation which the Government was to pay in respect of its proposed expropriation of the whole area which it required. This suggestion was acted upon and a settlement satisfactory to all concerned was effected and the rifle range in due course was constructed. I took no active part in the negotiations. This was a matter for the Crown's Counsel in Vancouver. From time to time, during the course of these negotiations I expressed my opinion to the Minister or Deputy Minister of National Defence when reporting the various stages of the negotiations.

Question: OK - Generally with respect to expropriation did you for say airfields or bases - did you handle any of the expropriation work in those cases?

Answer: I can say that I was involved only if those negotiating felt there were some difficulties in the interpretation of the terms of expropriation. Otherwise, I wasn't concerned with what they were doing.

Question: Do you think Brigadier Orde that that describes your activities prior to World War II concerning property matters?

Answer: Yes. I would say generally and pretty well oh right up to the beginning of World War II and even during World War II. Our job was to keep and make sure that the terms of the agreement or the expropriation terms were being properly carried out. We weren't concerned with the merits or otherwise of the expropriation or acquisition of properties.

Question: I see. Did your work under the Head of Properties and Leases change markedly when war began and during the Second World War?

Answer: No it certainly did not. We weren't concerned with reasons or price to be paid or any other particulars of any transaction involving real estate or other interests in land.

Question: Well then, is it fair to say that your work in this area increased considerably with the Second World War?

Answer: Well it did until the Department of Munitions and Supply and other Government Departments dealing with acquisitions of all kinds of property (land, contracts, leases, patent etc) came into being. Then our work fell off very very measurably in those matters. My branch of the Department was growing rapidly and the Department of Public Works refused or was unable to give us more space in the building in which we were located. As a result we were shifted from one building to another several times.

Question: I'd like to get some indication from you about the internal organization and characteristics of the office from the time you became Judge Advocate General right through the very end - until you left the office. Could you just take it chronologically and describe not only the internal organization of the office but also the everyday routine of the office?

Answer: Very simple. We'll start on the 1st of February 1920. Well, the office when I took over from Colonel Biggar on the 1st of February 1920 consisted of about two stenographers, myself and a car and two orderlies which I shared with the Directorate of the Adjutant General's Branch. Administrative matters generally were quiet, but others did not fall into this category. But through the effluxion of time additions were made to my staff mainly clerical and officers on loan who assisted me in certain special tasks. i.e. Regulations for RCAF and amendments to Q R&O etc. I was dispatched to England to the War Office in 1926 Major McDougall afterwards a County Court Judge of the County

of Carleton, was appointed Deputy Judge Advocate General during the six months I was at the War Office. Things were not difficult at the time. The first National Defence Act (1923) had been written and everything was rolling smoothly. The Minister and Deputy Minister seemed to be satisfied with the way things were going otherwise they wouldn't have let me go I suppose. So then in 1929 things were but there was depression notwithstanding that things were boiling up a little bit through fear of war etc. The militia were feeling the need for further accommodation such as barracks armouries and buildings. The existing accommodation was very cramped and often unsuitable. [#] The Government adopted a curious Scheme known as a rental purchase plan. An armoury association would be formed and incorporated by a particular unit or other military formation. Each association would raise a certain amount of money and borrow the balance from some insurance company or a bank or what have you and erect a suitable building. The Government would rent the building from the association and repay with interest the total amount expended on the construction of the building over a period of 20 years. The idea was a good one because it involved little annual expense to the government and the units instead of living in a ramshackle buildings throughout the country, were living in decent surroundings while undergoing training under conditions comparable with what they should have had. It was cheaper than renting the premises but it was extravagant compared to buying the buildings. That is how matters stood until in the middle 1930's the Government bought from each association its building by paying the outstanding balance due.

Question: Well I wonder sir if you could continue on and describe the way in which this extra work affected the organization of the Office and whether you could carry the organizational question on further from the depression onwards?

Answer: I was away all of 1931 and part of 1932 at the Imperial Defence College in England, and when I returned the issue of increasing our armament and purchasing new aircraft was on the minds of the makers of Canadian military policy. One example of this was our purchase of the Blackburn Shark, an aircraft of British manufacture. This purchase had been decided in principle prior to my return

from England and came to my immediate attention a year or two later when the Government decided to give a firm contract on a cost-plus basis to the Blackburn Company. Mr. Bennett Bags, a Director of Blackburn's came to Canada and we commenced negotiations in consultation with financial experts of the government on the one side and Mr. Bennett Bags and an Ottawa lawyer whom he had retained on the other. The negotiations were friendly and successful, resulting in our first contract of a cost plus type.

For example you asked about the work here?

Yes that's right. Now in terms of the organization of your office did you continue to have a Deputy JAG?

Answer: I did have a Deputy until Mr. Bennett told me to fire him which I did and I was left all alone.

Question: Alright, what year was that?

Answer: Oh it was around 1933.

Question: So you were the only --

Answer: Only one in my office.

Question: Only lawyer in your office?

Answer: Only one in my office there. I was the only lawyer in my office and going nearly nuts.

Question: OK, and when did you get a Deputy again?

Answer: Oh, just about 19-- end of 1939.

Question: So the war was on?

Answer: The war was on and I don't mind admitting it I yelled for help and I want it repeated there if it hadn't been for the Honourable Norman Rogers I would have gone crazy. He was our Minister.

Question: OK, then could you describe before we get off the inter-war years could you describe say an average day at the office in 1935?

Answer: I could if I was in my office but I was away from my office at times, sir for example, appearing in the Quebec Superior Court over a claim over the RAI, R100 Zeppelin that was tied up to mooring mast at St-Hubert. The proprietor of all the kiosks (refreshment and soft drink stands) at the airport had a contract to sell his wares and he sued the Minister of National Defence /for \$50,000 damages because the troops on duty at the airport had interfered with his patronage. The plaintiff lost his case.

Question: This is 1930?

Answer.

1934 - I was there for two weeks. At the time the unemployment problem flared up and the Government decided to meet this by the establishment of relief camps (so called) to work on projects such as the straightening out of dangerous "hair-pin" turns on main rural provincial highways, buildings of a permanent character and such further assistance as several provinces might request in the way of manual labour. [#] A form of contract between the Government of Canada and that of a Province covering the class of work described above which the Province desired was entered into. The bulk of these related to the straightening of Provincial highways (so called). Some of this type of work necessitated some forest clearing and the consequential burning of slash. [#] In spite of all precautions which camps concerned took in the burning of slash some forest fires resulted in the Kootenay area of British Columbia. The result of this was that the Department received several claims from lumbering companies for damage caused to their forest reserves by alleged negligence on the part of the unemployment camps concerned. [#] I was called upon to act for the Government in consultation with representatives of the several claimants as well as forestry experts (provincial and dominion) to determine how much damage was caused and to appraise the extent of the loss and determine the amount of compensation in respect of the Government's negligence. The Government raised the question as to whether under the law as it then was, the Government was liable. The actual question was whether these unemployment camps were engaged on a "public work" as set out in the Exchequer Court Act. The Supreme Court of Canada decided the work in question was a "public work" and compensation was accordingly paid to the claimants.

Question:

OK, so really there was no set routine?

Answer:

No set routine at all. There was no set routine for the Office of the Judge Advocate General. He just went where he was told and where he was needed and reported accordingly to his Ministry. Usually his reports were acted upon.

Question:

I see. Could you describe to me the way in which the Second War affected the organization of the office?

Answer:

I certainly can. We knew, I would say about 1938 or 39 that there was going to be a war. This would require a great deal of planning. We were all, those of us in the positions I held, were

familiar with Lord Hankey's War Book for World War I in England. He planned what was to be done by all Government Departments. Mr. Read the legal advisor for External Affairs, myself, and Major Maurice Pope of the General Staff (later Lieutenant General) met on Easter Monday, 1938 in Mr. Read's office in anticipation of a coming war.

The Defence of Canada Regulations dealt with censorship, communications of all kinds, alien enemies and their internment if required, counter espionage and other related matters. We knew here in Ottawa that there were spies. Hell I knew a couple of them back in 1937 - Huns. Some of these spies were stupid or dumb. When Canada declared war on the Sunday, the 9th of September, 1939 John McNeil one of the members of the Committee referred to above was sitting outside the Privy Council Chamber and Mr. Lapointe came out and he said, "John give them the word. Gather them in". There were 750 alien enemies we knew of here in Canada. Now I don't know whether you like that or not but that's history.

Question: Brigadier Orde, I wonder if you could outline for me the impact of the Second World War on the internal organization of the office?

Answer: That's the impacts - it wasn't on there not the impact the anticipation.

Question: No, we have done that haven't we?

Answer: No.

Question: Didn't we talk about the way in which the Defence Regulations and so on, what I'm interested in is - you talked about JAG's office, a very tiny little place.

Answer: Yes.

Question: And that was the case all the way through the war?

Answer: Yes.

Question: Now, or between the wars? Now we are at the Second World War and its changed, it must change.

Answer: Yes.

Question: Then could you describe the way it did change?

Answer: In the later part of August 1939, it was quite apparent that war was eminent. The then Minister of National Defence had a meeting in his office of the Defence Council of which I, as Judge Advocate General was a member. The difficulty of getting aircraft parts and replacements was quite apparent. Improvisation was a matter of urgency and on this particular night Air Marshall Bishop a famous flying ace of World War I was dispatched with some three million dollars in currency to New York to purchase aircraft

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parts which were required and have them shipped back to Canada. Later on and long before the United States came into the war when Canada was purchasing aircraft under lend-lease agreements with the United States, delivery was taken near a place called Sweetgrass Montana. On one side of a road was Canada and the other side of the road was the United States and a white line was drawn across it separating the two countries. That road belonged to a farmer. The farmer was asking \$200.00 for each aircraft brought in on his road across the line. The way it worked was that there was a jeep on one side which would pull the aircraft across to the Canadian side. Well that was a little bit too much, and it turned out that a subsidiary of the Canadian National Railway Company in Minnesota had authority to expropriate land out in Montana. So

whatever the law called it there, we expropriated the acre of land in the name of this Railway Company or subsidiary, the Canadian National Railway Company and we saved several hundred thousand for not having to pay the \$200.00 per aircraft.

Question: Can I ask you a question here? What I was sort of interested in was that during the 30's there was one legal officer, yourself and that with the war coming on and expansion of the forces how many new lawyers and at what time, what period was your peak for legal officers? How many did you have?

Answer: Yes I can start with that. When the war broke out in 1939 I was able to procure Capt Clayton of Ottawa who was a police magistrate and, a full time officer in the Militia. Progressively over the next two or three months I was able to get - oh that would be up about March of 1940 - 15 officers, all of whom were absolutely green in the job. They picked it up and they picked it up admirably and they were notoriously effective and improvisation was our second name. We were kicked around from building to building. Our secretarial staff multiplied and it was pretty well chaos. How we overcame it is beyond my comprehension but everybody did. As time went on that gave us a bit of a breather and I was lucky to get outstanding lawyers from all over Canada to come into my organization, the JAG Organization. Depending on the size of the

of the district the legal officer held the rank of LCol or Major as the Chief lawyer. They were assistant Judge Advocates General on my payroll so to speak. I was constantly travelling around either by train or by air and got the whole machinery into shape. I was able to do this quickly because of my experience in World War I as a junior in the office of the JAG. I could envisage what was going to be needed and that paid dividends. It was extraordinary how it worked. Is that what you want?

Answer: Yes.

Question: Was there any difficulty in persuading lawyers to leave private practice and join the forces as lawyers?

Answer: No, I never found that. I found that in many cases there were a number of lawyers who wanted to join my office but I was warned by my Ministers, I had three of them, for God's sake don't take them on.

Today, August 8th, the 5th interview with Brigadier R.J. Orde. We finished up the last discussion as I recall with a discussion of internal organization of the office, the kind of office it was in the 1930's in particular, and we'll get to more material about the war next day. But for the time being now I wanted to back-track a little bit and discuss three events from the inter-war years, first of all, was the Visiting Forces Act, secondly was the Currie Libel trial, and thirdly the Bren Gun Inquiry. Now first of all, perhaps because it is most important, I think we could deal with the Visiting Forces Act. I understand Brig Orde that during the period of the passage of the Statute of Westminster you were in London at the Imperial Defence College.

Answer: Yes, I was there. I heard something about the Act and learned something about its contents but it was not for my consideration whatsoever. It was interesting news but it had nothing to do with me in my official capacity whatsoever. This despite the fact that the Visiting Forces Act was not passed for, well I'm sorry the Statute of Westminster was interesting news certainly, the Visiting Forces Act came out of the Statute of Westminster and that. May I interrupt you for a minute?

Interviewer: Certainly.

Brig Orde: What little I learned of the Visiting Forces Act made me some-

what perturbed about the position of the Canadians serving with the British or vice versa and which would avoid the curious situations that arose in World War I when similar conditions occurred which might be similar to those which might arise in another war and I was not surprised when after my return to Canada I learned that of the steps being taken to have what is now known as the Visiting Forces Act.

Question: Fine, what date did you return to Canada sir?

Answer: Oh towards the end of February in 1932.

Question: Right, now the Visiting Forces Act was now being formulated as I understand it and what part did the Judge Advocate General play in its formulation?

Answer: The Judge Advocate General, myself and my officers as it was then played comparatively little part because shortly after my return to Canada, Mr. Bennett, the Prime Minister conceived the Imperial Economic Conference which was quite a grandiose affair and which lasted quite a time. General McNaughton who was by then a confidant of the Prime Minister, Mr. Bennett was made Head of the Government Hospitality Committee for the several hundred delegates who would come to this conference. Unfortunately for me he was forced to deal with other affairs and he made me his deputy to organize and deal with all the ramifications of hospitality for the many hundreds of delegates of various official grades who were attending this conference. So, during that time all my connections with the outside world were pretty well restricted in matters of considerable importance and the only ones I can recollect were those dealing with the Visiting Forces Act.

Mr. John Read, legal advisor of the Department of External Affairs took the biggest part in the drafting of this Canadian Statute, in consultation with General McNaughton and myself. I sat in on many of their meetings but I - it's very hard to tell what my contribution was to it because it was probably the same as what General McNaughton and Mr. Read had conceived. So it was not until that Act was passed and when the time came to put it into operation that I became actively concerned with it.

Interviewer: I see.

Brig Orde: Is that all right?

Interviewer: That's good.

Question: Can you recall any of the substance of the discussions you had with Mr. Read and General McNaughton? Any points of contention?

Answer: Oh yes there were many of them

Well those things had been overlooked and I remember now my memory is perhaps a little fresher, that these matters came to light or came to the surface rather. Mr. Read and Dr. Skelton under Secretary of External Affairs took immediate steps to bring them to the attention of the United Kingdom authorities.

Question: In the discussions was there any kind of difference of opinion as to what the Canadian statute should say or any kind of conflict between, for example, the Department of External Affairs and the Department of National Defence?

Answer: Oh there was no conflict whatsoever on that point, nor so far as I can remember was there any conflict with the United Kingdom authorities. In fact, I was surprised at that time when our suggestions met with the favourable approval of Whitehall that they did.

Question: Why were you surprised?

Answer: For the very simple reason that I had served in the British Army during World War I and I was a very humble Lieutenant. It wasn't until I demonstrated some ability to stand on my own feet that I was regarded as anything other than a bloody colonial. Now there's my answer.

Question: Well if I could press you even further on that, did you have the feeling that in Whitehall, Canadian suggestions, Canadians themselves were somewhat looked down upon?

Answer: I wouldn't say that they were looked down upon, but they were treated as being not quite up the front stairs, so to speak. A very good illustration - Can I give this illustration? -- A very good illustration of what went through my mind at the time was an experience of mine out in India where I was a convalescent in the Tajmahal Hotel Hospital in Bombay after being dispatched from

Mesopotamia as a casualty. It was in 1916. I was in the Royal Artillery of the Indian Corps in Mesopotamia. One of my officers, Lt Thesiger whose father was the Viceroy of India had been wounded before I was a casualty, and he heard I was in Bombay and immediately a telegram was dispatched to the Hospital in Bombay where I was, ordering me to be sent up to Simla as a guest of the Viceroy, with a doctor and proper sleeping accommodation in the train and so on. The Colonel who was an Indian Army medical service fellow, was very impertinent to me. He said "how do I - how come you can rate all this there you bloody little colonial?" And I said, "Look I'm not a colonial I happen to be a Canadian and Canada is a Dominion, and we're not a colony and I am asked as a guest of the Viceroy whose son happens to be a close friend of mine, so just you pipe down." That rather cooled the colonel off there. They said, "What can I do for you?" "Well", I said, "you have been told what to do but you can do something for me there." I need some gear to go up to Simla, I have never been to Simla in my life and I'm not a Colonial but I know my way around a little bit. Can you tell me what I might need and where I could go? So he then had the impertinence to say "Have you any money?" I said, "Yes, I have a certain amount of money." My father was a fairly well to do man and I saved up quite a lot of pay.* I was on Indian Army pay in this part as an adjutant, and I would think that I have in the Cox and King's Bank somewhere around the vicinity of \$1,000. "Oh!" says the Colonel. "You're a rich man, could you loan a fellow something?" That was my experience of him and that's why I had a very low opinion of this type of British Officer.

Question: How much did you loan him?

Answer: His credit was no good.

Question: If I could ask a question which relates to what we were talking about, about visiting forces which is a kind of general question, that is did you feel any kind of conflict or problems between - did you experience any problems between the Department of National Defence and the Department of External Affairs in Canada? Was there any indication that the Department of External Affairs

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looked down on National Defence? That they thought of soldiers as second class citizens, any kind of an impression like that?

Answer: There certainly was not. Fortunately Mr. Read was one of my very close friends. Dr. Skelton was a man of sage wisdom and wise counsel and I have never known of two men who were more appreciative of the difficulties under which National Defence was suffering in respect to the public regard of the services they were trying to perform. Mr. Read and Dr. Skelton went out of their way to ~~help~~^{help} us out and they could not have done more. In my opinion the Visiting Forces Act as it finally was passed - I should put it another way, that National Defence and Canada owes a great debt to Dr. Skelton and Mr. Read for the way that the Act worked out during World War II. If it hadn't been for the clarity and the explicit directions and provisions made in that Act the British Commonwealth Air Training Plan and the relations to the Canadian Navy to the Royal Navy and the Canadian Army with the armies and the military forces of other parts of the Commonwealth would have just crumpled up. They were perfect not a "T" had to be crossed or an "i" dotted, and I speak for all because I know I was in the middle of the whole garden party.

Question: Was there really that much room for air in that kind of a regard. You speak as if the drafting of this legislation was a monumental achievement whereas it sounds to a layman as if the most, perhaps the most simple thing, but certainly not something that would need the greatest minds in the Canadian Civil Service to do?

Answer: It was quite impossible to spell out the various conditions that might arise in explicit language but the whole context of the Act and the purposes of it were simplicity in itself. Common sense applied. The principles were that if you were serving together certain things happened. If you were acting in combination, certain things happened and had to be done. Now those were the two basic principles of the whole thing and you carried your load with you or you lost your load depending on what the circumstances were. Those were the four qualifications and once those were appreciated and common sense was the main factor and common sense was applied there was never the slightest bit of trouble over it.

Question: Perhaps just for the record we could discuss a little bit further the distinction between "serving together" and "acting in combination"

tion" from both your military experience and from a legal point of view.

Answer:

Well the expression "serving together" can be best illustrated by the British Commonwealth Air Training Plan. Can I use that as an example? Under that plan the various Dominions who were involved in the plan, sent their recruits or sent their personnel over to Canada to be trained under the Plan and under the direction of the Royal Canadian Air Force. While so undergoing this period of training, they would be deemed to be serving with the Royal Canadian Air Force and as such were subject to the same laws as were attributable and applicable to the Royal Canadian Air Force. In other words while they were doing that they were in no different position than their Canadian counterparts. Now that is the "serving together" and I may tell you that it worked. I would want to go on with that thing over there - the BCAPT because we had the trouble with the punishments, you see and I am giving you the sermon together there.

Now "acting in combination" was a horse of a different colour. "Acting in Combination" occurred when a unit, as such, a division or a brigade or a battalion was attached as such, not as the individuals, but was attached as such to a major counterpart, major component of the forces of another part of the Commonwealth, say Great Britain. And say a battalion of the Canadian Forces was attached to a Brigade of a British Army unit, that Canadian unit carried its own law with it. It was "acting in combination", it was a self-contained entity but under the command, under the operational command of the major unit. But it carried its own law and we had one difficulty there, in the joint Canadian American Force I have forgotten the name of, do you know the name of that force that General Fredericks commanded? They were like commandos and it was half Canadian and half American down at Fort Knox.

Interviewer: We'll fill it in later. Well I don't know. Just describe it in general we'll put the name in later.

Brig Orde: Well do you want me to say anything about it?

Interviewer: If you like.

Brig Orde: One illustration was the situation that faced Canada and it faced the United States was a joint force which after the United States came into the war was formed as a species of high-powered, very

hush hush commando organization, and it consisted of pretty close to 800 or 900 or a thousand of all ranks and it was so designed to be destined to emergency action either in Scandinavia or South America or wherever it was needed. It was stationed for the most part down in some military establishment in the United States and originally the execution of command and the responsibility of subordinates to their seniors was rather confusing. But no great difficulty arose, because they all realized that they were working for the same cause and they were a pretty decent lot of customers there and there was no great difficulty but it had to be regularized and in due course it was done by a combination of an Act of the United States Congress of which more I shall tell you later, and an Order in Council under the Canadian Visiting Forces Act, which was slightly amended by our War Measures Act.

Question: So there was no agreement with the United States until this point, is that right?

Answer: No agreement - It was just understood. There was an exchange of correspondence. It was left to common sense really. OK. But it had to be regularized there. Eventually ...

Question: Brigadier Orde, one of the problems that arose, I think with the Act is to the extent that the senior Canadian Officer overseas could commit his forces without reference to the Cabinet. The Visiting Forces Act required that an Order in Council be given, be passed allowing the Canadian Troops to be designated as acting in combination - would this not have been quite a cumbersome procedure and as a matter of fact they did change it in '39?

Answer: If you are referring to Canadian Units "acting in combination" with units of the other parts of the British Commonwealth especially Great Britain, originally the power to place a Canadian Unit, whether it be a battalion, a division or a brigade, but it was a cohesive unit, "in combination" thereby carrying with it its own law but acting under the operational command of the major unit. It was done originally by specific Orders in Council authorizing the commander in this particular case, the senior officer General McNaughton, to write what, I have forgotten what it was, an Order of - I can't think of the name - an Order to Place in Combination that was I think what it was entitled, and it was done. I can't recollect exactly how often it was done - in the early days of

of the war. It might have been for certain minor enterprises such as the - what was the thing up in Norway? If my recollection serves me right, the first real showdown of any major "placing in combination" enterprise occurred in relation to the dispatch of a Canadian division and an armoured brigade to the Mediterranean Theatre. If my recollection serves me right, that was done by an Order in Council authorizing the Commander in Chief of the Canadian Army at that time General McNaughton, to place this one division, "A" Division and an armoured brigade in combination with His Majesty's British Forces operating in the Mediterranean Theatre of War. It became apparent later as time went on that matters were developing - that this delay of having to get Canadian authority to permit McNaughton to act in the sense of having an Order in Council passed was rather cumbersome. It was felt that he should be given blanket authority to do it without an Order in Council if so directed by the Minister of National Defence or by the Canadian Government in other words one Order-in-Council.

This procedure made further Orders in Council unnecessary provided the Cabinet agreed. That was the point there. By telegram? Telegram or telephone yes. Then I am coming to that. Such an order in council was passed the exact time I don't - oh no it was passed the major one was passed in 1942 I think it was. In any event, do you want me to go on because this is fairly important? In any event the General Officer commanding the First Canadian Army overseas was authorized, if so instructed by the Government of Canada, not by Order in council to commit any Canadian Unit to "act in combination" with other forces of the Commonwealth, acting in whatever theatre of war the situation might require. Matters came to a - do you want me to talk about the Quebec Conference? If you want this you can get it from the horses mouth.

Sometime in July of 1943 during the time of the Quebec Conference attended by President Roosevelt, Mr. Churchill and Mr. Mackenzie King and their senior executives there had been discussions about another Canadian Division being detached from the First Canadian Army under General McNaughton in England to serve

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in the Mediterranean Theatre. On one evening in July, I had come home from my office at 9 o'clock and was preparing to get some sleep and fly over to England the next morning on a task for the Minister for Air, Major Power. The telephone rang and it was Colonel Ralston telling me to come down to the office at once. He couldn't tell me over the telephone what the urgency was because the matter was top secret, and he said there was a staff car at the door and it would pick you up in a few minutes. So I went down there. There I found Mr. Read, the legal advisor for External Affairs, the Chief of the General Staff LGen Kenneth Stuart and Colonel Ralston. Ralston said that he had been in conversation with Mr. King in Quebec who had told him in a rather "baby talk" because there were no "scramblers" service in Canada on the telephone similar to the Green Line in England. # The gist of it was that he, King, had been approached by Churchill and asked to agree to another Canadian division being detached from McNaughton's army in England and sent to Italy. King said that Churchill had outlined reasons which seemed to him (King) to be cogent but King told Ralston that he did not want to have another Order in Council passed to permit the division being detached. So King told Ralston that

King, would approve of that Canadian Division being detached and sent to Italy.

and thus the matter was settled up to a point. The rest of it is pretty well described in John Sweetenham's narrative of McNaughton's biography. Do you want me to tell it though?

Interviewer: In your own words.

Brig Orde: Yes. Well, Ralston said "That's fine, that's agreed, but I must say that McNaughton has had some wind of this so-called attack on the part of Churchill and he sent the following telegram to me strenuously opposing the emasculation of his army." Ralston read out the telegram to me. The telegram was later destroyed. The proposed detachment of a Canadian decision was a secret. Ev McNaughton didn't know what was going on at the Quebec Conference I mean I don't mind saying he was dumb there --

Read wanted to get home and go to bed. It was getting late and I was getting tired too so Ralston said well here Reg, you stay and dictate the telegram. So it was very simple. We knew that McNaughton didn't want to unstick the division, that was obvious. So all I said was that this is your number so and so - the Government of Canada has decided that another Canadian Division shall be detached from your Army, and in cooperation with the War Office dispatched "to serve in 'combination" with His Majesty's forces in the Mediterranean Theatre. Please make the necessary arrangements. Thats all you had to say. The key word was "decided". "Well, what do you think Stuart?" Stuart was half asleep and he nodded - he said, "OK". Read in the meantime had gone home you see. Miss Waters, Ralston's secretary brings the telegram in, in quintuplicate. Ralston should never have had a pencil under his hand when he was looking over the draft. He had two or three there and he cut out the word "decided" and said "concluded".

Interviewer: Mr. Ralston?

Brig Orde: Yes.

So to make a long story short he had 17 drafts made and I was getting fed up because I had to go to London the next morning flying by air from Dorval to help Major Power out. Chubby Power, the Air Minister was in England. They got into a jam with the Air Ministry, and I knew the boys that Air Vice Marshall Edwards the senior RCAF officer overseas was having trouble with. I was at the IDC with them. I could bail Edwards out better than anybody could see. So I told Ralston "Look here I've got to leave for London tomorrow morning". "Well", he said

"I didn't know you were going to London". I said "Now look I told you yesterday that I was going - Chubby told you too". Anyway, finally after the 17th draft the signal was acceptable and Ralston sent it off as it was originally drafted. It was so obvious you see.

Question: You referred briefly to the Norway affair when the War Office has basically planned an operation involving Canadian troops without much consultation with General McNaughton and they gave the Canadian Ministry something like 24 hours notice, or 36 hours notice that Canadian troops were about to be sent somewhere in Scandinavia. They agreed to act in combination and McNaughton and the Ministry was supposed to be quite in flames about it, but agreed.

Brig Orde: The operation was subsequently cancelled.

Interviewer: Yes.

Brig Orde: You mean National Defence, right? Well we knew nothing about that at all because I wasn't consulted in any way, shape or form. As far as my recollection goes there was a sort of a local affair there. I think somehow McNaughton got himself into a jam there but if you want an impression of the rest of this down an impression -

Interviewer: We got lots of tapes so just talk

Brig Orde: Well if you want an impression you might say in the early days of say 1942 the Canadian Army was being formed. I happened to be over in England just before the DIEPPE Raid. In fact I had lunch with McNaughton on the day of the DIEPPE fiasco. He took the raid's failure very badly. The impression I got was that there was no love lost between Montgomery, who was then commanding the southern defences of Great Britain and McNaughton who was in Surrey. The British newspapers were very very critical of Montgomery and rather eulogistic about McNaughton. I spent 2 or 3 days in Sussex with General Crerar who at that time, before he came back to Canada was a commander of one of the Corps of McNaughton's embryo army. Sussex was a lovely place but the feeling one got was that there was no love lost between the Canadians and Montgomery.

Question: You did mention earlier that the Visiting Forces Act spelled out things very clearly, how the situation was going to be whether

it would be serving together or what that entails or acting in combination but I'm just wondering what does this normally for instance brought up was the problems - the British Command of Canadian soldiers going out to battle or operations, it didn't work very smoothly there and I was just wondering were there any other incidents or ...

Brig Orde: No, I don't know of any. That was the only one - I had nothing to do with that at all. It seemed to be all done on the spot. The only other commitments were in the Mediterranean Theatre and elsewhere on the continent of Europe. There were no difficulties whatsoever there at all. There was no question; the British behaved beautifully. The British, I knew a number of them, I think they had the highest regard for the ability of the Canadians who met the situation with common sense and dealt with it accordingly and with that it didn't take very long for our people to appreciate the ability of the British to do likewise. There were very few incidents at any moment which required any legal officer stepping in there.

Well, I had one or two. Nothing to do with the Armed Forces at all. It was the administration of Canada House there when they had to deal with a claim by some Greek for a hell of a big royalty arising out of a patent he had obtained for a tarmac mixture which was used in paving emergency landing strips. You know Imperial Oil was back of this and General Montague, the senior Administrative Office at Canadian Military Headquarters in London got his tail in the gate and it was none of his business. They weren't responsible for that at all.

Question: Excuse me sir, this is the first time you've mentioned Montague so could you identify him please.

Brig Orde: He was MGen Montague who went over to England when General Crerar went over, The Honourable Thomas Crerar. They opened up the Canadian Headquarters. When McNaughton was appointed to command the army Montague was selected to be the senior administrative officer at Canadian Headquarters in London. He was the senior officer at CMHQ which took over the Sunlife Insurance Building in London. We had to establish a legal office, bearing in mind that this was a separate department of government. It was being formed over the like it was in World War I. It was just an advance headquarters from Slater Street here in Ottawa and Montague apparently thought

otherwise. Anyway Montague went over and I said to Norman Rogers at the time I said, "Look here there's going to be some legal trouble there - Mr. Rogers was our Minister" - "Well", he said, "why don't you have Montague appointed your Deputy Judge Advocate General and have him perform what legal services he needs over there. Montague was a Judge of the Manitoba Supreme Court before the war. The man had a good war record and wasn't a hell of a ball of fire as a judge but a pretty sensible fellow anyway and so thus it was as it turned out he was a flop, but be that as it may he held this position. I don't want to go on with this. This fellow is dead now but Montague, he handled the Headquarters very very well within the limits of his capacity and General McNaughton fortunately kept him on the rails. He was very fortunate in having two or three extremely capable staff officers - I won't mention their names. One was a trouble maker but he was soon gotten rid of, but he did his job there and I can only think of a couple of occasions where I had to take umbrage over his performance and undo the mess that he created. Didn't I tell you about the mess that he created?

Interviewer: I'd like to hear about the mess he created. Could you hold the microphone just a bit closer?

Brig Orde: Well the artillery overseas this would be around the end of 1943 or 1944. I happened to be in England at the time and I had an office at 9 Waterloo Place, the Judge Advocate General's quarters there. The senior officer there was a Colonel Anglin, my man Friday in that shop. He told me that the artillery overseas had collected a very substantial sum of money to build an artillery memorial to be placed in Major's Hill park here in Ottawa when the War was over. They had collected a very substantial sum of money and they had to deposit it with the accountant at CMHQ in London, who deposited it in the Consolidated Revenue Fund of Canada.

of Inquiry had been appointed and whitewashed the whole thing. That's the report he got from Montague and Company. He asked for a copy of the file. He smelled a rat. Mr. Cranborne told him that the Board of Inquiry was crazy so that made Mr. Massé smell a rat. He asked for the file and relevant papers and Montague with the backing of McNaughton and my Deputy said that they could not be given to him.

Oh yes I was very astounded with that sort of thing because if that had happened in Ottawa, and the External Affairs Department wanted a file from my office they would have got it by special messenger. Massé said he was told that for security reasons he could not have the file. It was a perfectly proper thing and I said, "Have you asked him?" and he said "yes, I got a swift kick in the pants to my reply and told that it was not in the public interest to see the file"; so I said, "That's fine I think we'll get that fixed up pretty well." I asked him to call in his secretary Miss Commander and I'd draft a telegram for him. He said, "No, what are you going to do?" I said, "I'm going to dictate a telegram for you to the Department of External Affairs. I don't think you'll ever need to send it, but I want you to write it." He said "You're up to some evil there Reg". "Well I said "I'm not up to evil but just a bit of blackmail". So I dictated a telegram which would twist McNaughton and Montague's tail. So I dictated the telegram. "Give me a copy of it, don't send it for Christ's sake. So I went next door. They had sort of a draw bridge across Canada House which was on Trafalgar Square connecting it to CMHQ in the Sunlife Building next door. I said to Montague "I've got a little trouble for you today Montague." The High Commissioner told me you refused to show him the files dealing with Lord Cranborne's deprecation case. Montague said, "Massé can't have those files. He is not allowed to have them. They're not his files." I said, "No they're not his files but he is the High Commissioner, he is your boss over here; he is the representative of the Government of Canada". Oh, I never thought of it that way and I said, "Incidentally I happen to be the Judge Advocate General and the files are in my custody theoretically because they're with Anglin my deputy and they are my files. I'm not going to argue

that with you but I'm going to have these files whether you like it or not, because if I don't get them here's the telegram that is going to Ottawa". He said, "For God's sake we'd be in a fine jam wouldn't we over that". "Well", I said "you're in a fine jam now unless you behave like some sensible person. Now give me the bloody files and get them quick. Get a runner I'll take it to Mr. Massé." I got the files. Now that is the sort of ...

Question: You began by saying that Montague was a, did his job in an acceptable way within his limits but now you've been burning him ever since now do I detect underneath all this calm language some kind of animosity towards him?

Answer: There was no animosity between Montague and I at all. He knew my thoughts and my feelings about him and he mended his ways quite often.

Question: You said he was a flop.

Answer: No. When I say a flop, I mean he created unnecessary difficulties unwittingly. To put it in another way I personally don't think he was a fit man for the job. The job got too big for him.

Question: So you're not arguing that he was a scoundrel.

Answer: No, no, no, he wasn't a scoundrel at all, no he wasn't a scoundrel. Just not up to the job. Not just up to the job there.

Question: Now was he always, you describe the circumstances how he became Assistant Judge Advocate General.

Answer: He went overseas with General Crerar at McNaughton's nomination there as his chief administrative officer. McNaughton was a friend of his. Beginning in 1939 they went over there and they had to organize a staff. I said to Norman Rogers my Minister, we must have a legal staff over there. If Montague can't find one from the Canadians that are going over there tell them you'll let me know and I'll dig up something from Canada here and send them over. So anyway he picked Major Arthur W. Anglin.

I knew Anglin well from St. John. He was a very capable man. Anglin kept Montague out of trouble to the best of his ability, but sometimes he couldn't, because Montague, for example I was only a Brigadier and Montague was a Major General and he said I had no business to tell him how to run his job because I was junior to him in rank - I told him to go to hell - I'm senior to you in appointment, so watch. Now that's the sort of thing that went

on there. You had to keep your feet on the ground and make sure you're in the right.

Question: OK now, forgive me here I just want you to tell me what position Montague held throughout the war. He didn't continue as administrator?

Answer: Well he went on there; he became, when General Stuart who was the Chief of the General Staff went over to London in 1943 had created a new appointment, Chief of Staff, Canadian Military Headquarters responsible naturally to the General Staff in Ottawa. See, bear in mind that this was the sort of an advanced headquarters from Ottawa and Stuart went over there with the rank of Lieutenant General and the superior to Montague as the Chief Co-ordinator with the Army and the Headquarters but he was on the Headquarters Staff in the Sunlife Building CMHQ in Trafalgar Square. His responsibilities in England were concerned with problems of the Canadian Forces as a whole rather than the Canadian Army as such. You see there were formations of the Canadians outside the Canadian Army like the ordinance depots, the repair shops, the garages and all that but nothing to do with the actual Army which was a component in itself you see.

Interviewer: Yes.

Brig Orde: And that was what CMHQ was doing. One of Stuart's jobs was to coordinate the manpower situation with the returns from overseas, from Europe and the Mediterranean Theatre to the casualties and what needed to be done. Those weren't McNaughton's responsibilities in the Canadian Army kicking his heels in England - that was the responsibility of CMHQ. His job, McNaughton's job was to keep his Army in shape to enable to take the field at the first opportunity and Stuart's job was to do that, of course, he made a mess of it and was recalled to Canada. Then Ralston resigned and McNaughton took over.

Question: Right, now again I'm being a little dumb here; as far as Montague is concerned. I'm not sure in my own mind what position Montague held as opposed to Anglin?

Answer: Oh, I'm sorry, Montague didn't hold any position in relation to Anglin except he was the senior officer, administrative officer at CMHQ. That was before the Chief of the General Staff came. Anglin was the Assistant Judge Advocate General. Right now - and

he was assistant to me.

Question: That's right, he was sent over when?

Answer: Anglin was over there and Montague picked him from the artillery. He was in the artillery and he did what he was told to do like a suitable officer.

Question: In what year?

Answer: Oh in 1939, early around there.

Question: OK now when did all of this business of Montague wanting to become Judge Advocate General come?

Answer: He got friendly through my good officer there, with my pal Sir Henry McGeagh and he thought well hell why shouldn't I be a Judge Advocate General too. There's no reason for it, nobody knew anything but Ralston in a moment of generosity or craziness, I don't know what it was told Montague he could call himself a Judge Advocate General.

Question: This is Montague?

Answer: Yes. McNaughton told him that.

Interviewer: You got Anglin very early on.

Brig Orde: Sure - should have removed Montague completely - quite but he wouldn't stand for it - I was too busy. I wasn't going to get involved in family squabbles there. They were fighting like it was a rat race. Yes I think that would make it clear. I didn't give a damn I was doing a job and as long as it was done.

Interviewer: Yes. We are premature of tapes for the time being and besides that I think that we've come to a point where we'd like to regroup forces and think about some more Second World War questions. We what we want to do is to have Mr. and talk some more about the Second World War - you haven't forgotten about the Navy - No, we're not going to forget about the Navy. That's very important right? OK.

Interviewer: This is the 6th interview of Brigadier R.J. Orde taking place on August 13, 1973 with yesterday's Fred Hatch who has a number of questions that he wishes to put to Brigadier Orde and I think its probably a good idea if he begins almost immediately.

Question: Well, Brigadier Orde as I understand it when they signed the British Commonwealth Air Training Plan Agreement in 1939, it bought

out certain legal problems in regard to Canadians serving with the RAF.

Answer: Yes, but I think I should possibly bring you a little more into the picture as to how the Commonwealth Air Training Plan was ever signed. Is that superfluous or redundant?

Interviewer: No, not at all.

Answer: Well, I can't remember the exact date, it was in - what date? 17th of December 1939. Yes, well I know it was in the late autumn or the early winter. Well, in any event I knew something about the British Commonwealth Air Training Plan. It was very much in its embryo. One of the main proponents of it was the Honourable C.G. Power, who at that time I think was Minister of Health and Welfare. It wouldn't be out of place to mention that National Defence in the two weeks intervening between the outbreak of war, the formal declaration of war and the signing of the Air Training Plan underwent a whale of a face-lifting. Mr. Ian MacKenzie, the Minister went to other parts of the cabinet; Colonel LaFleche, he disappeared from circulation. Two very eminent and able men from outside, one the Colonel Henri Desrosiers Vice President of the Imperial Tobacco Company and another whom I knew slightly, K.S. McLaughlin who was one of the top brass. I don't remember his exact position, but he was either President or General Manager of the Fraser Brace organization down in the Maritimes. They were both made Associate Deputy Ministers. At the same time Mr. Norman Rogers who then was Minister of Labour was appointed Minister of National Defence. Before very long after these appointments took affect, the whole change in complexion of National Defence occurred. You felt that you were working with a well-oiled machine and the people knew what they were talking about. They were getting things done, and with no fooling either. I was under a handicap myself, short-handed and working eighteen hours a day but that's neither here nor there.

Anyway, I'd received a phone call from Mr. Rogers either late on the Saturday night or very early on the Sunday morning in December. I was to go to his office by 9 o'clock prompt with my secretary, one of the most competent girls in that line in National Defence. We were boiled up over the Air Training Plan. I duly complied with those instructions, and much to my surprise

I found Mr. John Read, the legal advisor for External Affairs with his secretary, and Mr. Fred Varcoe, the Deputy Minister of Justice with his secretary present. I wondered what the whole thing was about. Just then Mr. Rogers came in and he said that the pistol had been held to his head. Lord Riverdale who was the head of the British Delegation of the Air Training Plan was getting tired and disgusted with the failure on the part of Canada to really take the bit in their teeth and make some progress. He'd said that if some agreement had not been reached by 3 o'clock on the following Tuesday, mark and this was on a Sunday morning, he and his party were going to return to the United Kingdom. Now those were pretty tough words, but Riverdale was a very tough steel baron in England and he talked tough language. I heard him in action there too. So anyway that was my initiation into the Air Training Plan and the way it worked.

It was a job well done. Rogers was presiding; Colonel Ralston was then Minister of National Defence in the reformation of the government; and Major Power seemed to be the angel Gabriel there for the Royal Canadian Air Force because he had his heart in it.

They had quite a tough time of it. ^aVarcoe^s, Read's and Orde's function was, with the aid of their secretaries to draft each in turn the paragraphs of the contract, which were then discussed and agreed to by the committee. We reported to another office in the Woods Building and drafted the proposed provisions in proper legal jargon. For example, while the Committee discussed one paragraph Varcoe and his secretary say would be drafting another and so on. It worked very well. It was a long task. It was about 7 o'clock at night when we finished the work but that included working during lunch hour^s. Lunch and whiskey and everything else was sent in. For our well being the draft passed off without any argument. I was very fortunate. I hate to interject ^{/a}personal touch, but the senior British Royal Air Force officer who was a professional advisor I suppose to Lord Riverdale was their Air Chief Marshall over Sir Robert Brooke Pophan who had been my commanding officer when I was at the Imperial Defence College in 1931. We were very close friends and

it was a pleasure to work with him as well as renewing old acquaintances. Mr. Noel Trentham was a civil servant in the British Treasury and he was one of the Commissionaires of the Government of Newfoundland but came to Ottawa as a financial advisor to the British Government for the BCATP. So I felt quite at home with Sir Robert and with Noel Trentham and I think it went a long way towards helping get things working smoothly.

The result was that there were one or two rather unpleasant incidents. You might as well know the truth of it. Ralston had a vicious habit of when a draft was put in front of him and he had a pencil there he'd make alterations all over the place. So Major Power, we were very close friends, he said Reg for Christ's sake keep all the lead pencils away from Ralston otherwise he's going to bitch the whole meeting here. Riverdale was getting pretty annoyed with him too you see. So we kept the pencils away from Ralston. He couldn't find them at the table but it was the little homely things that go to show and I don't mind that being mentioned it made for smoothness there. Ralston couldn't avoid it, it wasn't his fault. But anyway, the new agreement was signed and the British went home and the New Zealanders went home happy and so on and then in due course the development of the plan came up.

The financial arrangements were the responsibility for McLaughlin. Now McLaughlin became Deputy Minister for Navy and Air and Colonel Desrosiers became Deputy Minister for the Army. They both had equal status and were both Deputy Ministers. McLaughlin was expert at figures. I knew him because we went to university in the same year. Spelling out of the regulations presented some difficulty. The agreement itself was an enabling document and all detail work had to be done by regulations made under the main agreement. It was very hard to draw the line, but if you wanted to get speed, it was the essence of the contract, that the only way to do it and it worked. I remember drafting many of the regulations. It became a National Defence matter after that you see and this was part of our job. We had some expert accountants that they'd borrowed or stolen from the outside world. The allocation of fuel consumption in relation to the number of students from a part of the Commonwealth was a very

vital concern because it cost money to bring in these fellows, and it went to five places of decimals per gallon. That shows how tight the thing was kept and how it worked. The ability of these people you had very few complaints on the score of finances and it spoke well for the wisdom of McNaughton, Desrosier and Norman Rogers in particular, and Power. Yet it was done. They ignored Colonel Ralston because he believed that the war should be fought on a limited liability basis. Well, that's down the drain, but at that time Ralston was Minister of Finance and he held the purse strings. There's the story of the initiation, and from that time on it worked smoothly.

True, there were extraordinary things that happened that you couldn't possible foresee - claims for damages, administrative and disciplinary problems. We had the satellite airfields and then we were running on a lend-lease basis with the United States during the time when the United States was neutral. Some of the difficulties were pretty profound. If you want an illustration of how meticulous the Canadian administration of the plan was here is one. A landing strip at a place called Sweetgrass, Montana had been leased from a farmer there and it was right on the international boundary and it had a wide white strip painted across it like the stop signs on the streets here in Ottawa, and planes that were being delivered to Canada either on lend-lease or full purchase plan, were stopped on the boundary line. A Canadian jeep would go up and down the Canadian side, throw a cable across, hook it onto the front of the plane, they were Harvards - they were comparatively small planes - and yank the plane across the boundary line.

Mr. H. Did they begin doing that immediately right after the war broke out

Brig Orde: Oh well, they did that, they started doing that and they kept right on. The farmers received \$200.00 for each plane towed across his land. There was the - a great deal of inconvenience involved in this procedure particularly in the bookkeeping. Some way, I've forgotten how it happened, I didn't play a major part in this, but because of a tip-off and because I was head lawyer for National Defence, I was able to accomplish something in regard to this. Somebody dug up a company that had been formed in Minnesota, a subsidiary of the old Canadian Northern, (Mackenzie & Mann Railway) which had the right to expropriate, I think it was by authority

of a U.S. Federal statute. By this statute this company had the right to condemn land, as it was called in those days, anything in the western states, Montana certainly. So at that time /was in the hands of the Canadian National Railway. Well, it was just duck soup to get this railway company or whatever it was called to go and expropriate the rights over the farmers' land and thereby saving a great many thousands of dollars. They got it free gratis for nothing then. The farmers were compensated. I don't know how they arranged that.

Mr. H: There's no more \$200.00 a plane.

Brig Orde: There's no more \$200.00 a plane anyway. You probably never got any record of that.

Mr. H: Not about the expropriation, no. We know the field was there. Montana and Alberta.

Brig Orde: It was just by chance, I don't know how it happened, I think Mr. Hall came into the picture. He was a whiz; he was everywhere. Anyway - would you prefer me to go on my own way or answer question

Mr. H. We were wondering about the Visiting Forces Act.

Brig Orde: I was going to come to the Visiting Forces Act. The New Zealand government and the Australians sent extremely capable officers over here as High Commissioners or Senior Air Force officers of the Royal New Zealand Air Force and the Royal Australian Air Force and they did no end in the way of co-operating with the Canadians. We were having trouble and we were having a lot of bright sparks, devil-may-care joes enlisted. And one of our great troubles was low flying, so much so that I attended a meeting in Ottawa, I think it was in Mr. Power's office (Minister for Air), to offer suggestion as to how you might curb this desire for low flying without interfering with the bravery or training of the individual. It was very hard to do and I think common sense eventually helped there, but the air force authorities, the New Zealand, the British and so on were determined to stop all this nonsense about flying all over the place called - it was where the time changes on the CPR and Continental trains, I think it was Broadview. There was a satellite field there, a training place, and the main street in Broadview was about three times the width of Wellington Street. The people

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used to come to Broadview from outlying places to do their shopping over the weekend. Well, it was a great thing for the pilots under instruction to go low flying along the main street and scare the daylights out of the good people who were doing their shopping. I never ^{say} it, but I spoke with a number of onlookers, and they said that was one of the entertainments of the Saturday afternoon. People brought their live hens and flowers you see and it scared the daylights out of the poor hens. That was soon curbed there. We had quite a lot of disciplinary action. There were two or three unsavoury incidents of homos^{philia}. I won't mention which particular Dominion was responsible, but there were incidents there and they had to be dealt with.

Co-related with all that was the fact that Dorval was a Royal Air Force Command, and it seemed to exercise some control over their own people but I don't know how far. This never interfered very much with other persons. They did certainly have a number of trainees from the United Kingdom. They had friends there in court, in Dorval there. And Dorval had more than it's share of culls that the Royal Air Force got rid of and sent to Canada, I'll tell you that anyway. The cheques were bouncing. My Claims section was kept busy keeping track of them. Anyway, the Visiting Forces - they were serving with the Royal Canadian Air Force and they were subject to Canadian law.

We had a number of ⁶General Courts Martial because of the seriousness of the offences. In those days under the Act, the Governor in Council had to confirm the sentences handed out and my office had to make the report to the Governor in Council. Well we had a Governor General who was a real fire-eater, the Earl of Athlone, brother of the late Queen Mary. I got to know him very well. He phoned me up one day to have lunch with him at the Rideau Club, so I went up there he was there with his ADC

So I got hold of Leckie on the phone - we've known each other for many years

Question: He wanted to make it stiffer?

Brig Orde: Oh yes. There was no deterrent. That was what they needed, a good swift deterrent, to stop the nonsense. One fellow he was killed as a matter of fact, young Sutherland-Brown. His father was Director of Operations, later Officer Commanding for the Pacific Coast. He was doing a practice flight and he saw a narrow canyon the Rockies and of course he tried to go through it. Well, of course, the wing tips hit the sides of the canyon. That's an example of that sort of idiotic thing that went on there.

It was a rat race. Pass the word around that the courts should be much different in their penalties. Some damned fool in Leckie's office sent an order. Well, I had that cancelled at once before it did me harm. You couldn't have that. So I went down to Government House and His Excellency said "C'mon Orde, c'mon and have a drink. We gingered them up, my boy, we gingered them up. Things are beautiful". Do you know, it had an effect. You couldn't tell them to do it, but if you passed the word that you were in the dog house if you gave these fellows a slap on the wrist, you know, put them on the slow promotion list rather than the accelerated list, say like the President of a Corporation or something like that. It was a very good way for the colleagues. So we got over that.

Question: Was that a court martial offence?

Brig Orde: Oh yes. I've forgotten what the offence was, but it was punishable and depending upon the degree of guilt there. It was a type of court martial that you felt it should be a pretty drastic thing. I wasn't responsible for the administration of this one. All I had to do was to see that it was properly administered - the quantum of punishment wasn't up my alley at all. So it stopped them there. It served as a very good deterrent.

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I got in dutch through two Australians. They had been troublemakers before. Anyway, they got into dire trouble. They were temporary Flight Sergeants and they were reduced to the ranks and put in detention, and I've forgotten what else there was there. This was around 1943 or 1944, and my secretary came and she said, "There's a very irate man on the phone called Evatt, he's speaking from Washington". I said, "What does he want?" "He wants to speak to you". So I said, "OK". He said, "This is Dr. Evatt, the Minister of External Affairs for Australia" and I said, "What about?" "Well", he said, "you've got two trainees (he gave me their names and they were sons of a very close friend of his. I found out later they were great contributors to Evatt's campaign fund) and they've been tried by court martial. They've been put in detention and they've been tried by court martial. They've been put in detention and they've been reduced to the ranks. Now, I want to have that stopped at once". "Well", I said, "I know nothing about these cases". "Well, you're supposed to be the Judge Advocate General". "Well, yes", I said, "but about 3,000 matters come across my front door every day and I can't see everyone so I have a court martial section". "Well" he said, "the court was illegal". "Are you trying to tell me my business, Dr. Evatt, if you are, you're sitting in the wrong pew. Why don't you get in touch with your High Commissioner, Sir William Glasgow?" Bill and I were buddies, we knew each other pretty well. "Oh, that crazy son of a bitch, he's no good". So anyway I said, "I'm very sorry Dr. Evatt, but (I tried to keep my temper) I'll look into the matter and see what the score is and make enquiries". "Well, I want to be called back at 2 o'clock". "Well", I said, "I'll call you back when I've got the information, and there's nothing you can say that'll alter that. I'm running the show at this end, not you". I must say he didn't like it. So I said, "Also I'm going to report this conversation to my Minister /and to Sir William Glasgow". "Oh to hell with your Minister," he said. So Chubby Power was my Minister

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Air Vice Marshall James Goble, the Senior Australian Air Force Officers on Glasgow's staff. I knew Jim and I said, "This is Reg Orde. Your friend Evatt got after me." "Oh", he said, "about these two Australians who were court martialled?", and I said, "Yes". "Well", he said, "they damned well deserved what they got". He said, "I've read the proceedings and they got off light. They should have been given a much stiffer penalty". So anyway, that passed off, but that was the sort of thing that went on at the time.

Question: By virtue of

Brig Orde: Yes, and the sequel to it was that three or four days later my wife said to me, "We're going over to a party at the Glasgow's this afternoon". (She used to play a lot of bridge with Lady Glasgow who lived near Sandy Hill) and Dr. Evatt, the Minister for External Affairs is going to be there. I said, "Jesus Christ, I'm going to be in the dog house, I guess". "Well", she said, "you don't have to go. I didn't tell her that". So, sure enough Evatt and Goble wanted peace there - I was just going to shake hands. So Evatt tried, he went through the motions all right. The matter was just at the iceberg state. So that was one of the Visiting Forces Act problems. You had that, the outside interference. That's exactly what it was, it was outside interference trying to blackmail the Canadian authorities and we weren't buying that sort of muck at all.

Now another matter you might be interested in is the question of claims, for example damages caused by falling aircraft, you know, having to do with the Air Training Plan. What responsibility I had only related to the gathering of the facts of each case, and determining the question of liability. I was not concerned how the compensation, if any was to be paid. The compensation for damages was part of the cost of training as distinct from the cost of ordinary administration. I mean, if a plane accidentally biffed into a farmer's field, that was part of the cost of training the Joes who were flying there. You had that risk. It was a calculated risk.

One very good one was a woman and her daughter who were killed where a trainee was flying fairly low, not breaking any law, but he hit a high tension wire, a high voltage wire, which fell on a

wire fence - it was out in the Prairies - and it turned out that the fence was a ground return line for some electrical installations. Anyway, this woman and a little kid were climbing over the fence across their fields and they were electrocuted. Now the plane was about three miles away. The wire shorted on that wire fence, you know, the high voltage cable. Now there was no trouble there. We had it settled in no time. The co-operation I didn't have it personally, my Claims Section handled it and they were pretty damned good lawyers in that line of business. I let you know that because if it hadn't been for that degree of co-operation and common sense, put it that way, the Air Training Plan would not have been the success it was and it was certainly a howling success, no question there. Now I've talked my head off there, but I don't know whether that's what you want.

Question: Yes. Fred, could I just ask a couple of elementary questions. First of all, when you mentioned that Sunday you were called in to work on the draft Agreement, was that the first time the Judge Advocate General's office was brought into the BCATP?

Brig Orde: As far as I know it was. I was the Judge Advocate General and there was really no reason for me being brought in because, as Mr. Rogers the Minister of National Defence said, the Canadians and Australian and New Zealanders hadn't reached any agreement among themselves, so what could I write? And it was Lord Riverdale, Head of the British delegation for the Air Training Plan, who banged their heads together and said he was going home to England unless they came to their senses by 3 o'clock on the following Tuesday afternoon.

Question: Did the Judge Advocate General's Office concern itself with large transfers of land for airfields?

Brig Orde: Not if we could help it. There was the odd - but it was done for us by other enterprises such as the Canadian National Railway or by the Public Works Department, but we didn't have any really direct - mark you, we had a National Defence ; we had real estate advisors, they handled most of the collection of lands for the satellite fields. They were trained. The Gibson Brothers of Toronto was one. Goodwin Gibson was the head of it. They were trained in the art of, the mechanics relating to the acquisition and accumulation of land. I didn't know anything about it. None

of my people were - it wasn't up their alley, so we had experts who did it.

Question: You mentioned that the Agreement itself was a roaring success. Were there any legal difficulties that cropped up with the Agreement or with the regulations?

Brig Orde: Oh there were one or two, but they were more matters of form rather than principle. There was nothing that could cause substantial worry or change. It was on a firm foundation. Sometimes the method of going after a certain problem perhaps wasn't quite as good as it might have been but that didn't affect the estimate of the thing as a whole.

Question: The increase in your business because of the BCATP must have been enormous. Have you got any idea or could you describe in anyway the amount of extra work that was put onto your office because of the Agreement?

Brig Orde: I think I might be able to do it but I can't do it in any words of one syllable. We started off with two men and a boy and by the middle of 1940 we had a fair legal staff in Canada and overseas in England. I think we had at least nine Air Force legal branches with an Assistant Judge Advocate, such as Trenton, Stevenson Field in Manitoba, and elsewhere, then Dorval. I was the Deputy of the British Judge Advocate General personally, I was, so I had to maintain a staff there at Dorval and it was very hard to say whether they were doing Canadian work or British work. Anyway, we footed the bill, more or less. We decided to have them there anyway from the Canadian standpoint. So I would think by the middle of 1942 I probably had a staff of about 70 lawyers and a couple of hundred substaff and then it grew by the end of the war to a staff of some 270 legal officers altogether - that's including everybody, legal officers, Navy, Army and Air.

Question: These were lawyers?

Brig Orde: Lawyers, yes. 270.

Question: You were pretty much alone in the '30s?

Brig Orde: I was all alone there but I was very lucky. For instance, the cost of the men I had, people like Nolan from Calgary. Nolan was a senior appointment, with me in the Bennett & Nolan firm, R.B. Bennett's law firm, one of the leading law firms in Canada. Well, Harry came along to me as a Lieutenant-Colonel and he ended up

as a Brigadier. He was my Deputy. Another member of my staff was Duncan McTavish a leading Ottawa lawyer and one time President of the Liberal Association of Canada. He was a damn good lawyer and a corker for real estate. He did real estate in my office there. Well, we did handle a certain amount of it.

Question: Did you tell that story about the

Brig Orde: Yes, I told you that story.

Question: The question that comes to mind, you several times mentioned that you were the Assistant to the British Judge Advocate General, can you ...

Brig Orde: I was a Deputy.

Question: A Deputy. Well, how did that work, how did it happen?

Brig Orde: I had been attached to the British JAG Office in 1926 for six months at the War Office in London, and the British JAG got to know me and then when, when at the Defence College, naturally we renewed old acquaintances. We always kept up correspondence. You change your views and that sort of thing and you write a personal letter about a funny thing I've had, you know, and so he phoned me from London. Things had been boiling up pretty well /for the British Army and Air Force there and he asked me to be Deputy JAG Force in the Americas and I said, "Well, you better consult your High Commissioner in Ottawa". He said, "Would you take it if the formalities were favorable?" I said, "Sure, anything to help you out, Harry". So he spoke to the British High Commissioner about it, Malcolm MacDonald, and his Deputy, Sir Patrick Duff. They naturally approached it through the proper channels there and then the Government of Canada got an Order in Council approved on my acting as a Deputy of the British Judge Advocate General. You had to go through the motions, you know.

Question: What sort of things did you do? Did you do them here in Canada or over in England?

Brig Orde: No, I was the British Deputy JAG for the British Army and Air Force stationed in all of North and South America and the Caribbean. I even had an officer at Belem, Brazil. That was on the exchanging loops from the United States over to India and Africa delivering planes. They'd stop over at Accession Island. Belem, Brazil was there they refuelled. They'd be serviced from a town in Brazil, a hell of a place. I had to go down there a couple of times.

Question: You were involved in Air Command?

Brig Orde: Absolutely because, it was the Atlantic Air Command, the original Ferry Command.

Question: Part of the British Command?

Brig Orde: Oh, Royal Air Force absolutely and you couldn't draw a line down. We Canadians were kicking over in there. Dorval was a big airport and Canada was using it and the Royal Air Force were using it and the Americans were trying to use it and the early Dutch had a state put there and quite often there were two chaps working at a desk together, one might be a Canadian and one might be British. British and Canadian Officers frequently shared the same office space, although doing separate and unrelated typing work ... It worked very well and Air Vice Marshal Marix, he was an absolute peach there, kept things going and how he ever did it I don't know because some of the specimens of the Royal Air Force the UK tried to get rid of by dumping them on poor Marix. He was in a terrible shape there. They dumped cheques, rigging their hotel bills. It kept us busy.

Question: Well, if these people in the Ferry Command got into trouble, would they be tried according to the RCAF regulations?

Brig Orde: If they were serving with the Royal Canadian Air Force they'd be subject to RCAF law and tried accordingly but otherwise not. They would be dealt with under the RAF law. I don't think the Royal Air Force in Canada, I may be wrong, but I doubt it very much because if it wasn't - it's such a fluid state. There might at times be 190 aircraft on the Tarmac at Dorval. Now some of them might be American, some of them might be British and there might be Canadians. Our method of payment simplified. Britain paid everything and we paid them X dollars. But I don't think we ever - if there was ever any real trouble Marix would take care of it himself, which was a very simple matter. He could send the Joe back to England on the next plane going over, you know, by bomber or something like that. He'd lie where the bomb was and spend the night there. Things were rough and ready.

I'll tell you a funny story. He called me up one day - we were on a first name basis at that time. I should say Lord Burleigh who was the Governor of Bermuda, then was a famous hurdler when

he was at Oxford University, quite an athlete. He was the son of the Marquis of Exeter and he was married to the sister of the Duchess of Gloucester. Anyway, he was a very decent fellow indeed. He had a British Officer Commanding in Bermuda, a man called Maconolie whose forebears made the famous Maconolie rations of ill repute in World War I. We had them on Salisbury Plains and wouldn't eat the damned things. Maconolie used to come to Canada quite often. He was also Commander down in Jamaica and various other places in the Caribbean where they had the British Corporals Guard and that sort of thing. Well, he got into trouble. He took a trip up to Dorval and came up to Ottawa and we sorted it out. I acted as Deputy to the British Judge Advocate General, that was my job, or if I was busy I got Harry Nolan to do it. It didn't matter as long as the work was done. We never charged them for that. Well anyway, one Friday afternoon Marix called up. "What are you doing over the weekend?" "Well", I said, "I don't know what I'm going to do. We intended to rest around a little bit." "Well how about going down to Bermuda? We leave on Saturday morning and come back Sunday night and I'll phone Burleigh and he'll put us up". So I said, "the banks are closed". "Well" he said, "have you got an impressed account?" So I said "Yes, I've got about \$1,000.00 in my safe there". You know, when you had to send an officer away and the bank might be closed, you'd give him 20 bucks for travelling expenses. So I said, "Well I guess I can raise the money". So I called my wife and said I was going away for the weekend. I was going up to Toronto, I didn't tell her where I was going. So Marix said, "I'll send a plane for you there. Nip down to Rockcliffe Airport". So I got in the car with my suitcase and some clothes and hopped a plane. I had about \$100.00 with me. We didn't need a sou there, Marix and I. Burleigh put us up at Government House where Shaples was shot in the Spring of 1973. So we went there and had to go back Sunday night, I think. The wife said, "Did you have a nice time in Toronto?" "Sure".

Question: One fundamental question, Sir how did you explain your tan to your wife?

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Brig Orde: Well, I don't know. It was in the wintertime, I think, and I didn't worry much about that. Oh, she got accustomed. There's one thing about a wife, it gives you one terrible low feeling. I used to have to go down to Montreal often. I'd phone down and they'd send a plane up from Dorval for me. I'd do my business and they'd have a car for me, you know, a staff car, at the airport and I'd go up to the Court House in Montreal. This particular day I had breakfast at home, went to my office and found that I had to go down to Montreal so I phoned up Dorval and got a plane and came back home. Having lunch with my wife I said, "A funny thing this morning, I saw some beautiful chintz on sale at Morgans". She said "What the hell were you doing in Morgans shop in Montreal?" "I was down in Montreal today and I passed Morgans" - you know where Phillips Square is in Montreal? You know where the Birks Building is? Well, that's where the old Morgans used to be. I was coming up from the Court House - and that let the cat out of the bag, but she didn't mind though. Those are the things that cheer you up.

Question: Now perhaps for the second part of the interview you could talk about the ¹²BCAFT chaps when they went overseas, and the Canadians when they went overseas, and how the Visiting Forces Act applied to them once they left Canadian shores.

Brig Orde: Oh yes, well, we're talking about the Air Force?

Question: Yes.

Brig Orde: As World War II progressed, a fair sized Canadian Air Force was assembled in the United Kingdom. The various components, wings or squadrons of the other types of Air Force organization, were acting in combination with the Royal Air Force and their personnel carried the Canadian law with them and were dealt with accordingly. We had a G.C. Mason of Toronto. He was my senior Air Force legal officer, over in London and he had a staff of, oh, 15 or 20 legal officers scattered in the various places like Knarborough's, Lynton-on-Ouse and other places where Canadian bomber and fighter formations were located.

What do they call the aircraft with the Army in the division?

How was that described? Strategic Air Command?

Interviewer: Tactical Air Command.

Brig Orde: Tactical Air Command, and they included RCAF formations in the

Tactical Air Command organization of the Air Force. The disciplinary action taken in respect of the RCAF personnel was precisely the same in England as it would have been in Canada. A Court Martial would be established and a trial by Court Martial if necessary or disciplinary action by a CO was required, exactly as if the incident had happened in Canada and then by the same token for individuals who were attached to the Royal Air Force then the Visiting Forces Act came into effect again and they were serving together and they were subject to British law while they were serving with the British formations. It was as simple as ABC. There was no hitch or confusion at all. ~~There~~ There were one or two rather difficult cases to handle for the Air Force. The one in particular that comes to mind was a young fellow who came from Northern Ontario. He was a Flying Officer with the RCAF, and was brought down in Occupied France. He eventually made his escape through the underground and got back to England. Apparently he was the son of rather doting parents and they wrote to him and appealed to him to put down in writing his experiences covering his escape from captivity in Occupied France and the methods adopted and so on. Unfortunately for the young lad one of the letters found its way into the censor's hands and then there was the Devil to pay. The Royal Air Force took a grim view of it and put pressure on the Canadians to take stern disciplinary action against this boy. From all the standpoint, I suppose, legal standpoint that was perfectly correct. He had no business doing that but he was carried away by the thought of having to oblige his parents. It was their wish for him to do what he did do. I was called into the operation over the matter and, I've forgotten the precise details of it. The offending records were collected, gathered together and put in a safe deposit box so as to ensure that only limited number of people could see them. The boy was sent back to Canada where he stayed on in the Air Force and all was forgiven at the end of the War. But it was those little things that were very hard to handle. The British and the Canadians took a very sensible view and repaired any damage so far as it was possible which might have been created.

We're now beginning the 8th interview of Brigadier R.J. Orde who was Judge Advocate General for many years - JAG really from

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1920 to 1950 but JAG for the Department of National Defence from 1923 to 1950. We've had seven previous interviews and discussed a great many matters, many of them technical - they'll be a transcript made of the 7 interviews and for that matter the 8th interview, but we want to preserve a tape of Brigadier Orde's voice and its a little impractical to preserve all that tape so we've decided to preserve just one tape where hopefully Brigadier Orde will be in good form when he discusses the personalities of the period when he was in office. I don't think that is technically correct to say in office but anyway - holding his appointment that's right. Now I should explain that the interviewers are Hillmer and John Goss and for posterity's sake that's our names. My name is Helmer I'm the sexier of the two interviewers and you'll be able to tell that from the quality of the voice - I must say that I'm always horrified to hear the sound of my voice on this tape; at any rate, I think that it might be interesting to rather than ask you about a list of names - now there are many people we want to ask you about but rather than just list off a bunch of names I thought we might begin by asking you questions right out of the Reader's Digest. Who was the most unforgettable or who were the most unforgettable man or men that you knew in your time as the Judge Advocate General - the personnel who made the greatest impression on you?

Answer:

Bearing in mind that my job was of a mixed civilian and service character, it is difficult to distinguish one characteristic from the other, so far as an appraisal is concerned. I was employed as a lawyer specializing in certain branches of the law relating to the Armed Forces and such Civil law as might be relative to it. The bulk of the service personnel that I had to deal with were, first before the Department of National Defence was created, all Army personnel. They were all very elderly men who tolerated a youngster like myself being put in a position of some authority. On the whole they were very kind to me, but on the other hand they were getting rather old and somewhat ancient in their methods of thinking. It was pretty hard to work with them but nevertheless we seemed to get along and I was able to hold my head up.

There were one or two very excellent members of the personnel of the Armed Forces until prior to 1923 that I knew well. One was Brigadier General McNaughton who was Deputy Chief of the

General Staff, I think it was under General McBrien and he and I formed a very very close friendship there. Another officer to whom I became greatly attached who was a very personal close friend of mine was Major H.D.G. Crerar, afterwards the Commander of the Canadian Army in World War II. They were both outstanding. There were many noble souls, elderly officers in the Department of National Defence who though kindly, seemed to have their brains in their feet instead of in their heads. It was a little exasperating at times, but nevertheless we got by. So much for that portion of the service personnel up to 1923 - can I stop there now.

Question: May I ask you if General O'Brien falls into that category or General McBrien rather

Answer: No, he didn't o.k.?

Question: Before you go any further could we ask you to elaborate just a bit on McNaughton and Crerar, the friendships that you had with them and perhaps any kind of personal detail about them?

Answer: My friendship with General McNaughton was possible because he was an engineer, and I in spite of being a lawyer, had always been mechanically minded, and I would have loved to have been an engineer. So we found common ground on that basis and we made a couple of model airplanes, and that sort of thing. So mutual friendship and respect for each other grew up. By the same token the same applied to Harry Crerar. General Crerar afterwards became - we were both members of the same club in Toronto - Toronto University Club - I'd known him when I was at the Law School and he was with the Hydro before World War I and both of us had a common love in the game of golf. We were fairly good golfers and we played every chance we got, but there was a personal link and when you have a personal link with a man you also come to realize what are his other potentialities. Both Crerar and McNaughton were studious in their respective jobs. They worked at it, thought about it and there was no nonsense in their approach to their work. Crerar decided he was going to be a General Staff Officer after World War I. He became one and he worked like a beaver at his job. His whole heart was in it and he showed a great degree of intelligence in handling his work. There was no trouble at all with him. There couldn't be. The same thing applied to General McNaughton, in my estimation of his ability and potentiality, temperamentally he was quite different from General Crerar. He was inclined to

a bit of impetuosity, whereas Crerar took things more less in stride and let things and time tell the tale, but nevertheless those were the two outstanding soldiers that I got to know well in the days before the creation of the Department of National Defence.

Question: O M I T T E D

Answer: I've never seen Crerar as cold and forbidding. I've seen him extremely cross at a person. I don't think he would harbour a grievance but McNaughton had a heart as big as a house for the underdogs. It was pretty hard to describe him. Sometimes he'd be up in the clouds and on the next day he'd be "down in the midden" and that was McNaughton.

Question: O M I T T E D

Answer: No Crerar was shy, quite shy and rather underestimated his ability. Sometimes he gave me the impression that he needed a boost to deliver the goods in the way they should be delivered. Perhaps a little bit too modest to try to do it himself.

Question: Were these two men both enduring friends and perhaps your best friends of the service personnel in the period between the wars?

Answer: Oh I'm only talking up to 1923 there- oh I had numerous friends there. We did all sorts of different things together and nobody would try to cut each other's throat. There was no rat race if you want to put it that way. Each was trying to do his job and in the time when the funds were very limited the Government would study each Expenditure with a microscope. In those early days it was a very happy family and people got on there. I knew nothing about the Navy at that time nor of the Air Force. Both were more or less in the embryo state, in the womb and the old service die-hands were gradually through the passage of time being wheeled out from the service habitats and put on the beach with their pensions. So we all had a pleasant time there. New blood was being infused.

Question: Do you think it would be apropos at this time to give your impression of the Minister ?

Answer: Up until 1923, yes. It would be a good idea yes. So far I've only given my impression of the service personnel with whom I was serving. Now to come to the civilian end of it, I knew General Sir Sam Hughes. My father happened to be a close friend of his. He was Minister when I came back to Canada in that latter part of

1916. My father happened to mention my return to Sam and he asked my father to have me call at his office. So I attended his presence and he said "Hello Reg". John told me you were back. (John that's my father's name) "Come in tomorrow or next day and I'll make you a captain." "Well", I said, "Sir, Sam I'm on sick leave". He said, "That doesn't matter." I had six months sick leave and I should have taken him at his word, but three days later Sir Sam was fired from his position as the Minister of Militia and Defence. So I was out of luck. So much for that. I spent my time as an instructor at the School of Artillery at Kingston and commanding the University of Toronto Depot Battery. I also attended Osgoode Hall and was called to the bar.

I was ordered to report to Militia Headquarters Ottawa, early in May 1918. On the formation of the Union Government, later in 1917 following the passage of the Military Service Act, General Mewburn of Hamilton, who sometime before had become Adjutant General was appointed Minister of Militia in the Union Government. At the same time there was created in the Department the new Office of the Judge Advocate General headed by Colonel O.M. Biggar as JAG. On arriving at Headquarters I was ordered to report to Colonel Biggar, the JAG and became the junior member of his staff, which then consisted of himself and 3 other officers. By that time, I had become a Barrister-at-law and a member of the Law Society of Upper Canada. As stated previously in one of these interviews because I was reasonably fluent in the French language I was sent to Montreal as legal advisor to the Special Service Section of the Dominion Police dealing with alleged bribery and corruption pertaining to the enforcement of the Military Service Act. My activities in this regard are described elsewhere in this narrative.

General Mewburn had a faculty of getting the most out of everybody and he never dodged the issue. If there was a problem to be solved he would get busy and solve it. I never got into the really high counsels of government as I did later on in my career. But what little I had to do with him impressed me with his fairness and kindness. It was he who appointed me Judge Advocate General to succeed Colonel Biggar in 1920. I have always been in his debt.

To me there wasn't a great deal for a Minister to do at that time. The war was over. It was like putting a saucepan of sauce out to cool and then getting the fat off the top. That was pretty well what his job was, but by the same token he was fortunate in having one of the most outstanding Deputy Ministers I have ever seen, and that was Sir Eugene Fiset the Deputy Minister of Militia. He had an uncanny skill of sifting the wheat from the chaff, if you want to put it that way, in smelling out a rat. If there was some curious recommendation which might have made sense to the author of it, perhaps not to others, Fiset would be the first one to describe it. And while I am on the subject it seems of Fiset the legend around National Defence was General Hughes was mucking around there with his World War I problems and people were being fired right and left, General Fiset said, "Well Sam Ministers come and go but me Fiset I go on forever". So that describes the mentality of that man. That pretty well ends up the history of it until 1923.

I just forgot to mention that General Mewburn resigned and went back to his practice. The job that he undertook as Minister was his wartime contribution which he more than fulfilled.

The Tories were in power and the Honourable Hugh Guthrie became Minister of Militia and Defence. He was a very, very capable man. He never ~~never~~ blotted his copy book. He was kind and considerate, fair and a very good administrator but he did nothing remarkably creative in any way, shape or form because there was nothing much he could do at that time. He was doing all could be expected of a gentleman who was doing a very big job. Nothing mean about his method of work at all. He was fair to everybody and a pleasure to work for. He didn't want you to work for him he wanted you to work with him. That was Hugh Guthrie. That is the end of the old Militia Department.

The Right Honourable George Graham became Minister of the Militia and Defence when the newly elected Liberal Government took office and he immediately with his benign manner and his kindness endeavoured himself to everyone who had any dealings with him. He got on extremely well with General Fiset the Deputy Minister, and with a number of Fiset's suggestions. There were two or three very nasty incidents, in those days. There was some

paymaster defalcations and a firm of Toronto stockbrokers, I am not going to mention their names, but they became heavily involved in this robbing of the till by the paymaster in the Toronto district. There was quite a turmoil about it, but it was kept quiet and justice was brought to hand and then the public weren't finally left holding the bag. Adequate punishment was dealt out. I think Mr. Graham it was due to his sagacity and so on. I had something to do with the handling of it but I don't take any credit for what I did because it was at the direction and with the instinct that Mr. Graham showed. I was merely his messenger boy delivering the goods, but he was a crackerjack to work with and he was the real author of the National Defence Act in 1923. In company with Sir Eugene Fiset and with Mrs. Desbarats who was the Deputy Minister of the Department of Naval Services. I was very much involved in the prospective first National Defence Act. Now that is so much for Mr. Graham there. He brought the whole thing into its proper perspective. You couldn't have asked for anybody more understanding patient and firm. He didn't suffer fools gladly let me tell you. If you were trying to do some under the counter stuff he could smell you out. Not that I ever had that experience but I saw others who did. He just cracked their heads together. So there is my judgment of a fine man, a man who knew his job and did it well.

Now the next one. Who is after Graham? There was Edward Mortimer MacDonald.

When Mr. Graham took over the new Department that was created, Sir Eugene Fiset (retired as Deputy Minister) and Mr. George Desbarats who was Deputy Minister of the Naval Service took over, as the Deputy Minister of the new Department of National Defence. He was an engineer by profession as opposed to Sir Eugene Fiset who was a doctor by profession. His line of approach was slightly different. Fiset wanted things done and he would shortcut, go around the hypotenuse of a triangle. Mr. Desbarats would go around the two sides of it, but not at the expense of too much time. A good way of describing his stubbornness for example is the following. It was my job quite often to bring several letters that I had been instructed to draft for his signature and take the files down to his office and sit beside him while he signed the letters, and

initialed the file copy. He had a fountain pen on his desk and he would sign the letters and he would put the pen back in its receptacle. He knew I was going to bring another letter over to him in about a second's time but all the same before he signed the second letter the pen had to go back into its stand. But that is the sort of fellow he was. That signature did the job, and I got accustomed to handling my files that way. It didn't let too many drop on the floor. He was gentle but he was firm. He wouldn't stand for any nonsense. There was a little bit of internecine warfare in the Department after the National Defence Act had come into force. A bit of rivalry among the three services each seeking power over the other. Mr. Desbarats have nothing of it at all he would just handle the problems and crack their heads together. Things went on pretty well. One would never have thought that the mild-mannered gentleman that Mr. Desbarats was except that I would play a lot of bridge with him and he would get quite mad at times if you didn't give the right card to him but apart from that he was very very positive there to get what he knew had to be done and have it done without any nonsense. He was a very great man and he did a lot of work there.

Now to get to Mr. MacDonald. Mr. Desbarats was Deputy Minister under Mr. MacDonald. Mr. MacDonald was a very very kind gentleman I believe he came from the Maritimes. He was a very proud man in a way. He kept his hand on the helm. I don't think he did anything outstanding. There was nothing outstanding to do except to keep the new Department on an even keel. He was able to do it. All I know or remember was that he wanted to have his portrait painted in his windsor uniform with all the gold lace over the front of it. He was a member of the Privy Council and a Cabinet Minister but he couldn't sit all the time in that uniform for the artist. So his Private Secretary who was Colonel McDowell, who was about the same build as MacDonald sat dressed in the uniform for the artist. I went down to see McDowell one day and there he was sitting in MacDonald's windsor uniform being painted by the artist. The artist wanted to get the uniform the technique of it there. MacDonald didn't want to sit all the time but he was an awfully decent man, a very kind fellow.

Interviewer: We jump from there when Sir Eugene Fiset left who was the next one?

Perhaps I could ask you at this point whether the constitutional crisis and the brief coming into power of the Conservatives and Sir Hugh Guthrie into the Department or National Defence had any impact. Then after the Bing incident a new Minister came to National Defence, Colonel James Leighton Ralston from Halifax.

Answer:

There you had a horse of a different color. He knew what he wanted. I can't answer because I never saw the inside of him but my impression is that he tolerated the Deputy Minister and the Deputy Minister tolerated him and they both knew they had to do a job. I don't think there was any love lost between them. They may have been buddies but I never saw any indication of it. They were just indifferent. They were on the same floor in the Woods Building but I think they saw each other on, when necessity arose. But Ralston, he had never been a Minister of the Crown before. I don't think he had ever been in Parliament before. He seemed to know his way around. He had been a practicing lawyer, a fairly successful lawyer down in Halifax, and he brought his Halifax system of work into the Department of National Defence. Well, before the depression came the Department was functioning all right.

I was over in England for six months in 1926 attached to the War Office and when I came back I didn't have much to do with the Minister, Ralston, except the odd party or dinner that he might ask us to, or something like that or some ordinary routine bit of business, drafting a letter for him and so on until the Currie libel action came along in April of 1928. He certainly went to town with that.

Question:

Could you talk about that now?

Answer:

Do you want me to? Well the Currie libel action was my first taste of seeing the Honourable I.L. Ralston working under full steam. Do you want what the action was about? Well it happened this way. I think it was in February or March of 1928 when an article appeared in the Port Hope Guide, a local newspaper. I think it was an article dealing with the celebration of the relief of Mons, the city of Mons in Belgium on November 11, 1918. This article was published on an anniversary of the relief of Mons. There had been some sort of demonstration. In any event there was published in this paper, the Port Hope Guide, an article condemning all the celebrations and fireworks and what went on there on that anniversary.

of the liberation of Mons and laying it on to Sir Arthur Currie stating that he carried the war to its bitter end and to the eleventh hour of the eleventh day of the eleventh month and implying it was sheer and needless butchery on Currie's part or words to that effect. I have forgotten the exact wording. The article stated that Currie could have stopped further bloodshed two days or sometime before the final liberation of Mons or the surrender at Mons and thereby spared the lives of numerous Canadians. That article was written by W.T.R. Preston who was known pretty well all over Canada in those days as "Hug the Machine" Preston, a man who it was rumoured relished in scandal and gossip and was frequently up for slander and libel charges. An elderly man called Wilson was I believe the owner and publisher of the Port Hope Guide. I don't know if he realized what harm he was doing, but this article received widespread publicity. By that time Sir Arthur Currie was principal and vice-chancellor of McGill University. Unless this article and the implied allegation were shown to be both malicious and without real foundation it would have been a blot on Sir Arthur Currie's copybook. I understand that he was told that if he did not institute the proceeding his high reputation might be adversely affected. It might even imperil his position at the University. He was also a director of two large corporations. His position there might also be affected. He was advised to start at once. I am not at liberty to state how the case was financed, but it is suffice to say there was no lack of financial support for Sir Arthur Currie.

Interviewer: You know but you just aren't telling?

Answer: I know all about it.

Anyway the action was brought. There was an Examination on Discovery as conducted in the ordinary case. Sir Arthur Currie was represented by W.N. Tilley KC and R.H. Parmenter, one of Currie's partners. I couldn't make out whether Preston was represented by counsel or whether he was conducting his own case. But there were two lawyers involved for Preston and Wilson. One was a man called Frank Regan of Toronto, a lawyer of not very high repute. He was probably known as a first class ambulance chaser. The other was a very decent young type of Johnnie either from Port Hope or Cobourg called Tom Hall. Regan, however seemed to be the senior counsel, conducting the case for Preston and

Wilson.

Interviewer: The case was brought to trial. I am not going into the case, I am talking about Colonel Ralston. You will want the Currie action later on won't you?

Do it now, but include in it your assessment of how Ralston handled it.

Answer: Ralston who was a very - the more I think - I didn't know him as intimately as I came to know him later - more a corporation lawyer than one having to do with the hurley burley libel action. However he had some pretty sound ideas and he impressed me greatly about his perspicacity of handling a delicate situation. It became quite obvious as the preliminary cater of the libel action went on that Preston and Wilson and there lawyers - Preston of course was entirely unscrupulous. Regan was a rather doubtful type of fellow so anyway he needed watching. We opened all the doors of the Historical section and the Record section, and what have you and the war diaries as they wanted. Ralston said there was to be nothing of the kind. There was to be no witch hunting because innocent people might through ignorance on the part of the defendant have their characters besmirched with no justification whatsoever. And he was absolutely adamant about that. That was my first indication of what Ralston was like and I thoroughly agreed with his line of action. If he had asked my advice I would have told him the same thing. I was against giving the defendants carte blanche to examine all the war diaries etc whether they had any connection with the action or not. I had a little bit of trouble at first with Colonel Duquid, the Director of the Historical Section who at first seemed to take a more lenient view than that held by Ralston and myself. He was the head of the Historical section at the time. Anyway that was my first taste of Ralston in action in a pretty hefty operation. I sat in on some of the discussion with Preston and Regan and what have you in his office and I didn't have to say a word. Ralston just went to town on them and they would run back to their pub or wherever they were living in Ottawa, a cheap hotel with their tail between their legs I guess. So anyway the matters progressed. The relevant documents, orders and copies of orders and extracts from the war diaries which they asked for which the Department /and

agreed could be furnished were given to them.

Well my next experience with Ralston in connection with the case was - oh the case dragged on, the preliminaries dragged on and the case was to come on somewhere on the 28 of April I think it was. It was on Monday in 1929 I think. The case came on for trial. Yes it would be a year later wouldn't it. No I think it was 1928. Could it all happen that quickly? Yes it happened very quickly. It all happened very quickly indeed. It was agreed that there would be a party sent to Cobourg consisting of myself in charge of the party, the Director of the Historical section Colonel Duguid and Colonel Logie Armstrong, the Director of Records and Mr. Heppenstal a clerk. Mr. Heppenstal was the chief clerk in the Record office, a civil servant. We opened an office in the British Hotel in Cobourg and carried on business from there. That happened to be opposite the Court House. Proper accommodations were procured for us. It was also agreed by the Government and Mr. Tilley the counsel for Sir Arthur Currie, that I would go into the witness box, I would be called as soon as the trial opened and would read a prepared statement approved by the Cabinet setting forth what the Government of Canada was prepared to do to facilitate justice being given in the case without pure favouritism or affection. The Government had to be neutral in regard to the whole affair.

My father and mother lived in Toronto at that time. My father was a Judge of the Court of Appeal of Ontario. I was going to stay with him and I was to see Mr. Tilley on the Sunday morning. The trial was to open on Monday morning in Cobourg and my train left Ottawa on Saturday around four o'clock in the afternoon. Well I attended at the Privy Council office and was in the anteroom around half past one Saturday afternoon. I had drafted what I thought would serve as the prepared statement I was to make and I showed it to Ralston and Mr. Lapointe, the Minister of Justice. Well I thought it was a pretty God darned good thing I had written there and so did the Honourable Lapointe. They went into the Cabinet room with the rest of the Cabinet. Well this was my first experience with Ralston's vacillating mind. I think we made about 14 or 15 drafts of that statement compared to what it was like before. As my old friend Chubby Powers said, "For Christ sake don't put a pencil near Leighton Ralston, he'll muck up any-

thing". Anyway time was marching on. I had sent my bags down to the station there across from the East Block and I think the train left at half past three or a quarter to four or some crazy hour, and he was mucking around there and I had to get the damn train. Mr. Lapointe came out and said, "Look Reg, I can't get Ralston to agree to something". Well look here I can't go into the Cabinet room of course, but you go back and tell him with my compliments that if he wants me to read something I'll read the original one that I wrote unless he can make up his mind or tell him a rather vulgar thing. "Well you will get your train all right." So anyway they fought it out in the Privy Council office, I think I had about six copies of the damn thing with me. Three copies all done on the Privy Council notepaper. They laid it on thick there. So I showed it to Mr. Tilley. My father lived about two blocks away from him on the other side of Sinclair Avenue near Upper Canada College, you know where that is? Any my father lived on Poplar Plains Road. So I took it over to Tilley's house on the Sunday morning and he said well that's fine. Well, he said that he was going to motor down to Cobourg that afternoon. I could ride in his car with him, his chauffeur, and Reg Parmenter his junior. So I went to Cobourg with him. I got into the witness and read the thing and everybody was satisfied. That was my first experience of Colonel Ralston's vacillation. He couldn't make up his mind. Change a word or two words, he just couldn't avoid it. I don't know what his target was other than to get something so beautifully pretty that it might have been worthy of being included in the psalms of David or something like that. Anyway that changed my opinion of him a little bit. Anyway, anything he had to do with National Defence after that was ordinary routine because the government was defeated in 1930 and Bennett came into power. Ralston was out of a job and did not want to return to Halifax where his home had been. He accepted an invitation to join the Honourable G.W. Mitchell's Law Firm in Montreal.

Now do you want to go into the rest of Currie?

Well anyway this epistle, this statement of the Government was read and the trial opened up. It went very very badly at the start for some reason I couldn't make ^{cut} it. The Currie Camp as we called it lived in the Dunham Hotel. Sir Arthur Currie, Mr. Tilley

and Mr. Parmentor and Colonel Magee of Montreal and two or three of his other cohorts lived in the Dunham Hotel. I had my people and the presiding judge, the Honourable Hugh Rose, Chief Justice of the High Court of Ontario in the British Hotel a couple of blocks away. Of course, we couldn't associate with our friends in the Currie camp, or they with us. We knew them all well you see, but we went over there at night. Anyway the trial progressed and it was going very badly. Duguid was giving very poor evidence. Two or three people we thought might be different, they were you see a libel action is not like an ordinary court action where the plaintiff has to prove his case. In a libel action the defendants have to prove justification that the article complained of was true. Justification for it. It's reversing the whole process you see and they were doing it pretty skilfully. However, one or two incidents occurred there. One was that they wanted a witness from Artillery Barracks in Kingston, a sergeant or something who would bring out I don't know how they got wind of him but they wanted him as a witness and they asked if I could have him sent there. Well I said why not have a subpoena for him. I told Regan or Hall there to Subpoena him.

Question: The Preston people?

Answer: The Preston people wanted him. They also wanted him to bring some war signals which had passed shortly before. They had some wind of some order. They had a few under-the-counter workers working for them you know. They were crooks, rascals. They came up with pretty fair stuff so anyway they had the subpoena served on the sergeant and the process upon barracks, Artillery Barracks in Kingston. They said they paid him - I think he drove up in his own car from Kingston to Cobourg you see - army car or something. I forgot how it happened anyway, but he didn't get his money. He came to me. He said, "Look I've got to pay my hotel bill and they said they'd pay it - Preston & Wilson Company". I said "I'll pay your hotel bills so you can return to Kingston and I will recover from the defendants." I never did recover from them as the defendants were broke. In the end the Government paid me the money I had advanced for the hotel bill. So that put me on inquiry you see.

But things were going from rather bad to worse there and one

evening I got a call from Mr. Tilley. Would I come over at once, secretly and by dark of night to the Dunham Hotel. He wanted to have a little talk with me. So Sir Arthur, Tilley, Parmentor, Al McGee said, look here Duguid is a nice fellow but he's so meticulous in his reply that he's giving the impression on the jury that he's stalling or keeping something back. If you knew Duguid as well as I did you would understand if he was suffering from some sort of disease and I should inquire what it was, he would have said, "I don't know until I've looked up about fifteen million books and that sort of thing you know. He was creating the impression. By that time we had degenerated from "officers" from Ottawa to representatives from Ottawa. So Tilley asked me if I knew how to read a war diary. "Well", I said, "I had never seen a war diary except when I was bringing ours up to date while serving in France and Mestopotania but I can interpret it. I would think that I have a fair knowledge of what it's all about." "Well", he said, "Will you take over the produce these diaries that they're asking for and explain what they are to the Court and so on. Give them the general idea that's all the jury wants to know. They don't want to know whether its No. 2 gun shot at 18 plus 52 cents \$1600 and that sort of thing. They want to know what they're doing here generally you see and Duguid he had to pinpoint the damn thing - right to accuracy - so I said, "All right I'll take it on that basis there". Currie's lawyers were still anxious about the way the trial might go.

A day or so later there arrived at the Cobourg Railway Station a C.P.R. Train with 4 or 5 sleeping cars etc filled with ex-soldiers comprising a cross-section of the various Canadian units who, a few days before the Armistice were in action in the ^{Mons} ~~Mons~~ area.

I learned that this trainload had been arranged through the C.P.R. by Sir Arthur Currie and his solicitors. Possibly their connection with the C.P.R. may have made this venture possible. The impression I got was that Sir Arthur's lawyers felt that a show of force might create alarm and ^{despondency} ~~desponding~~ in the Preston and Wilson camp.

Major George Kirkpatrick, a Presbyterian Clergyman and Chaplain with the Canadians was with the forces fighting in the ^{Mons} ~~Mons~~ area during the few days before the Armistice. His evidence

was to the effect that any statements about soldiers lying dead in the streets of ~~Mons~~ ^{Bomb} at that time was highly exaggerated as he himself had been there.

Word came that Preston and Wilson had run out of money. I knew they were going to be out of money. There were 32 newspaper reporters up there at the trial. One of the best was a reporter from Detroit Free Press, one of the leading papers in Detroit with a large circulation in the south-western part of Ontario. This newspaper reporter was a real corker and he heard word that Preston and Wilson were sending an emissary to Montreal to get money to finance their expenses of the ^{trial} ~~trial~~. The Detroit Reporter arranged to have the emissaries mentioned followed on their arrival in Montreal. This was done and the report of the sleuth was to the effect that the emissaries during the day had visited the homes of persons known to be very friendly with Major General Garnet Hughes, son of Sam Hughes, the former Minister of Militia and Defence. It was common knowledge that Garnet Hughes had little, if any use for Sir Arthur Currie as the latter had turned down Hughes' proposal to incorporate Hughes Division as the 5th Division in the Canadian Corps. Then another few days after this incident word was given to me that a lot of these men who had been brought by the C.P.R. to Cobourg were going to jump Preston, Wilson and Regan and Hall and dump them into the horse trough in the main square of Cobourg. Now that might have serious consequences on the course of the trial and minds of the jury. So I went to the sheriff and I said, "Look brother you're going to be in darn trouble tonight from what I hear" and I told him what I learned. The sheriff thanked me for my information, took the matter in hand and no trouble resulted. But so much for that part of the Currie Trial. So anyway the trial went on and it became quite obvious that Currie was going to win.

Question: What had changed after you said that things went from bad to worse, was it the money that was changed?

Answer: No, it went bad after they brought all these other people - they realized they were hooked. All the other witnesses they came along one after the other.

Question: Are you saying that it was a victory and gave pretty well the lie

Answer:

direct to the Preston article of the Currie money over
 No, I don't think Preston and Wilson would have had a chance, but they pulled a few fast ones in the early days of the trial. But the Currie situation improved. Mr. Tilley was not taking any chance. Well we'll bring on the heavy artillery.

One or two things did happen though I may say. There was one instance where a Colonel Currie from Toronto (no relation to Sir Arthur) wanted to give evidence against Arthur Currie. Sir Arthur had fired him because during the gas attack at Ypres the Colonel had run away or something and had taken shelter in a funk hole. He turned up in court and he wanted to give evidence against Sir Arthur. He was yelling like a banshee there in court. Chief Justice Rose instructed the sheriff to take Colonel Currie into custody and keep him there until further orders. So Colonel Currie was taken away to the hoosegow and kept there incommunicado for a while.

Then there was another instance. Earlier in the trial Regan, Wilson's solicitor asked Colonel Duguid, who was then giving evidence to furnish some information regarding artillery action during the last days before the Armistice. Duguid said it was very doubtful whether it was possible to get any accurate information and that it was likely that the same did not exist. Some days later when I was giving evidence after replacing Duguid as a witness, Regan asked me what had happened to the information which he had requested from Duguid. I stated that Duguid had reported to me that after exhaustive search, no such information could be found. Regan then launched into a violent attack on me, Duguid and Armstrong, and the other 2 officers in my party from Ottawa. I had stepped down from the witness box but Chief Justice Rose rebuked Regan for his remark regarding the lack of co-operation of the "representatives" from Ottawa. The Judge also stated that he was living in the same hotel and could not help overhearing our conversations regarding the impossibility - information sought by the defendants and also stated he was going to ask me to go into the witness box and give first hand evidence in the matter. Well I'd taken the file with me into the witness box why, I don't know but it was the file containing the correspondence with Preston and Wilson in connection with the case. I agreed it was a confidential file I had it in my hand. I don't know why I had it with me except I didn't want to

leave it. I always had it with me in the court - in case of accidents I didn't want to leave it where it I was sitting there so I thought I better take it with me. So Preston said, "Do you remember my being in Ottawa on a certain day?" I said, "I don't remember you being in Ottawa at anytime; but I was told by Colonel Ralston my Minister that you had been there on such and such a date and he instructed me that you wished to have certain documents and he gave me a list of them. They were telegraph orders what have you from Army Headquarters - orders from Sir Douglas Haig and others concerning the Canadians. They itemized it. They got these copies on an examination on Discovery. We were told we could get them. So anyway I got them and had them copied and made a list of them. I wrote a letter to Mr. Preston for the Deputy Minister's signature sending the documents mentioned in the list, along with the letter. I said, "Well Mr. Preston I don't know what you're talking about. You got the documents". "Well, I don't know, how does the jury know I ever got them?" "Well", I said, "look"

I wanted to pull his leg you see. I wrote a letter for the Deputy to sign, sending the documents to you. I enclosed a list of them and I sent the documents with the letter. I checked them myself". Preston said, "but that doesn't mean I ever got them". I said, "no that doesn't mean you ever got them but surely to goodness there Mr. Preston this letter from you acknowledging receipt of them with thanks - well then I led him on you see." Well one of the jurors says give him hell Colonel, give them hell, give the son of a bitch hell. Hugh Rose heard it but he turned a deaf ear you see. So anyway that was pretty well Preston's death nail. The evidence was all in and we were finished

Then there was the address to the jury. In the morning of the last day of the trial Preston gave an address to the jury on his own behalf. He called Sir Arthur every name in the book. He was a cruel man and he didn't spare him. He called him the butcher of the Canadians, he called him all sorts of evil names, you know sinister names, and Sir Arthur felt very badly over it. He kept turning whiter and whiter. However, the court rose at luncheon adjournment and I think Tilley had nothing to say there very much, he just said, "Well, the case speaks for itself". There you've heard it, there's the evidence, there's nothing I can add to what

evidence was presented. He dismissed it very simply and in a very dignified fashion. So the jury were to adjourn for the luncheon period and then come back and report, go out and make their finding and then the court would assemble in the afternoon.

We were going out of the Court House, Sir Arthur said, "Reg, come on back with me, I think its safe now. I can be seen in public with you. Come back to the hotel with me. I want to have a word with you". The Dunham Hotel - my hotel was across the road from the Court House and I said I'd go back with him. He told me "Well, I'm feeling pretty low" and I said, "you certainly are and I think instead of you having your milk and gin at night, you better have a good slug of it now". "Well", he said, "that's pretty sound advice". So he said "We'll go up to my room". We'll order the milk to be sent up". He went up and I spoke to the clerk at the desk in the Dunham Hotel and had the General's pint of milk sent up to his room you see. The hotel clerk, "Oh by the way, here's a telegram would you mind taking this up to him?" So I took the telegram up to Sir Arthur and gave him his milk and gin. I had a gin and soda. I poured a gin and soda and gave him his milk. He opened the telegram and he turned white. It was from a family in Fort William or Thunder Bay or Port Arthur. I've forgotten which. Their son was the last Canadian killed in mortal combat in World War I and there'd been a great to do made by this bastard Preston over how the family would feel, you know their son being the last on, you know pulling out all stops in the organ, so to speak. And this was sent to Sir Arthur. They were behind him, both Mr. and Mrs. "whatever this boy's name was", entirely, praying that Sir Arthur would win this case. They held nothing against Sir Arthur. Somebody had to be the parents of the last man killed and they weren't holding anything against him and they were proud that their son had died doing his duty. He said, "Reg, you and I are the only people going to see this telegram. Don't you dare tell Tilley, Parmentor or anybody that you've seen this telegram". And I said, "Certainly I know exactly how you feel. You're going to win the case anyways, and you're going to do it honestly. Sir Arthur, you're not pulling out the sob sister stuff. It would put you down and ruin your prestige". He said, "You're quite right that's the way I feel about it". Now

I never mentioned that telegram to anyone except Lady Currie and this was done after her husband's death when his biography was being written by Colonel Sandy Urquart.

Question: Can I just say a thing or two, first of all, I take it that we can get an idea of the time sequence from the biography of Currie, that is, how long the trial lasted, at what points these various events that you've described happened?

Answer: I have given the - to the best of my memory - pretty well the sequence of the events in the Currie Trial.

Question: In terms of how far were they apart?

Answer: Well they kept them from day to day pretty much.

Question: How long did the trial last?

Answer: The trial lasted somewhere around 2½ to 3 weeks. It started out on a Monday morning and it ended I would think on Saturday morning.

Question: So it was 3 weeks?

Answer: It was somewhere - either two or three weeks.

Question: How long did the trial go badly?

Answer: Oh, the first five or six days - then the heavy artillery - the Currie heavy artillery was brought into action and what I mentioned there the complexion of the trial changed. It became, I would think after about a week it became obvious that at least Preston and Wilson had the wind up them pretty badly.

Question: Okay, one last question before we take a bit of a rest, that is, I take it from what you say that you thought very highly of Currie and he was a man of considerable principle and integrity, is that correct?

Answer: Well I didn't know him in the World War at all because I was fighting with the British not with the Canadians but got to know him quite well after he came to Ottawa as Inspector General. I have already referred to my close association with him. He was a very kind man, a man very gentle in most respects. I don't think he would suffer fools gladly, but then his feelings were very easily hurt. I saw that during the libel action and saw how things were upsetting him very badly at times. Some of the accusations he took pretty hard indeed, but he was a very good organizer as far as I know, and he was very highly regarded as Principal of McGill University. The number of people I got to know in the later years who'd been on the faculty of McGill, for example Percy Corbett the Dean of the

Law Faculty of McGill, and heads of certain other departments whom I used to meet down at our summer resort place at Matisse Beach on the shore of the St. Lawrence River, all swore by him for his capacity to make people work with him rather than for him. I don't think there was any, what you might call a blot on his copybook whatsoever.

Interviewer: Let's take a rest. You mentioned that Mr. Ralston went into Mr. Bennett's ^{King} ~~Cane~~ - now Bennett and ~~Cane~~ dominated Canadian politics between the wars, I wonder if, I imagine that your contacts were not many and you did tell us your one story of Bennett trying to get you to withdraw one of the sentences on a court martial - All right I don't know whether the recorder picked that up but at any rate we talked about it before and I don't know that you had all that much of a relationship with MacKenzie King but I wonder if you could talk about the two men, comparing them?

Answer: Mr. King and Mr. Bennett? I happen to know Sir Robert Borden pretty well but not enough to make it worthwhile expressing an opinion on him. I knew Mr. Meighan more on a personal level than an official one.

Question: Why don't you just go through those characters

Answer: All right I can do that then.

My official contacts with Prime Ministers were limited but perhaps personally and to some degree socially were pleasing interludes that were enjoyable. I always found Sir Robert Borden the most charming man, extremely genial and easy to talk to. He was very friendly but as I say from the official standpoint I had very little dealings with him. The same could apply to the Right Honourable Arthur Meighan. Our official paths never ~~seemed~~ ^{seemed} to cross, but our personal paths often did. Mr. King was - though on opposite of politics - was a very close personal friend of my father's and I got to know him very well indeed. He had certain likes and dislikes, but I never had any further experience of any displeasure on his part. He was always most cordial and in our non-official association he couldn't have been a more charming person to deal with.

Mr. Bennett had a rather ^{very} forbidding manner. He was not the

sort of person that one would warm up to, but you could not but help admire some of his very fine qualities such as his desire to do the very best he could for his country. I saw something of him during the Imperial Economic Conference and I was very much impressed with his handling of the whole situation.

As for Mr. St. Laurent, he in my opinion, he was one of the salt of the earth. I got to know him extremely well and he showed me at every opportunity the utmost kindness and consideration, and frequently went out of his way to do me a good turn. He was one of the most lovable characters that I have ever met.

I never knew Mr. Diefenbaker, though we were friends. I never knew him very intimately but I did know Mike Pearson, Mr. Pearson extremely well indeed. He and I were brother members of the Delta Upsilon Fraternity at Toronto University and though he was after my time, our fraternal membership was succeeded by a warm personal friendship. Later on, when he was in External Affairs we became quite closely involved in many matters. When he was over in London and I happened to be there the same thing occurred. Later after his retirement as Prime Minister he became President of the Rideau Club, and there we had many pleasant chats together. Now is that all right for that?

Question: But say MacKenzie King and Bennett, would there be any kind of different attitude towards the role, say that any military should be playing in the Canadian society at the time?

Answer: No I don't think so, neither of them seem to regard the Department of National Defence as one of the major departments of government. Possibly they had to pay some attention to it because it was a more or less a necessary evil on their shoulders. But it was only when the war came along that the Prime Minister and other Ministers seemed to consider the Department of National Defence as something worthwhile having.

Same way today probably - yes, that's pretty much the same way there.

Question: Mr. Bennett's Minister of National Defence for the first four years was the Honourable D.M. Sutherland and there was an implication in what you said earlier that he was not one of your favourite Ministers.

Answer: As far as I could make out the Honourable D.M. Sutherland never dic

any work at all because General McNaughton who was the then Chief of the General Staff seemed to be the right hand man of the Prime Minister in running the Department. In fact, at that time Colonel LaFleche was Deputy Minister all the time and bypassing the Minister and using General McNaughton as his man Friday.

Question: Does this mean that you think Sutherland was a dud?

Answer: Well Sutherland never did any work. He read pulp magazines all the time. I never heard of him doing anything. Fortunately I was over in England for about a year and a half while he was holding down the portfolio of Minister of National Defence and I was possibly spared the unpleasantness of having to try to accomplish something with no ministerial help.

Question: It's often said, or it's often - what's the word - it's often implied in interviews that you're out with people that McNaughton was a shadowy influence behind Bennett not only in military matters but in other matters as well. Now we know that McNaughton had an impact in various aspects of Bennett's foreign domestic policy, but did you, in your friendship with McNaughton get an insight into this?

Answer: Not to any great extent. When I returned from the Imperial Defence College in the spring of 1932 the Imperial Economic Conference was being organized and it was a charge of Mr. Bennett's, the Prime Minister. McNaughton was given some hospitality job among many other tasks that he had to perform and I was appointed to be his second in command on the government hospitality committee for that.

Interviewer: You mentioned this earlier

Answer: Yes, I mentioned that earlier but that

Interviewer: He never spoke to you about Bennett?

Answer: No never at all.

Question: Was it your impression that he was doing a great many things for Bennett?

Answer: No, I wouldn't say it was that so much. This is just my own rather hazy recollection of it. McNaughton seemed to move in a small periphery of Bill Herridge, W.D. Herridge, the Honourable W.D. Herridge, R.G. Bennett, Alice Miller, Bennett's secretary and that was about all there. He certainly bypassed LaFleche the whole time. No question of that and just on that basis when Bennett was defeated and the Liberals came into power, I think it was in 1935 and Ian

MacKenzie was the new Minister, LaFleche got out a scrib to all heads of departments or services in the Department of National Defence that from now on they were to consult the Deputy Minister not the Chief of the General Staff. So that shows how things were running there at that time.

Question: From what you said in your discussion of the Bren Gun incident yesterday, you didn't seem to speak very highly of LaFleche's handling of that situation and coming out of other information that we have the impression one could form the impression that LaFleche was not highly thought of by anyone. Would you confirm or deny that impression?

Answer: I would strongly confirm it. He was under the thumb of the Church and the Canadian Legion and so much so that I know on good authority that the Roman Catholic hierarchy had suggested to Mr. King the Prime Minister that it was a good time to put LaFleche into a Cabinet job. LaFleche had been replaced as Deputy Minister a year or two before this happened. He was duly elected in some Quebec riding and then appointed a Cabinet Minister. He promptly replaced Judge Thorson, now Judge Thorson as Minister of National War Services and he became Minister of that Department.

Question: This is of course later on after his period as Deputy Minister?

Answer: Yes, LaFleche was beached shortly after World War II broke out. I've forgotten what happened to him and Ian MacKenzie who was made - given some other harmless government post. Norman Rogers was brought in as Minister of National Defence succeeding MacKenzie. LaFleche was absolutely impossible to work with.

Question: What about our friend Ian MacKenzie. Yesterday when you spoke of the Minister's part in the Bren Gun incident you were no more complimentary about the Minister than you were about his Deputy Minister. Could you tell us something about MacKenzie's working habits and his personality?

Answer: Oh well - his personality - he was a very genial chap. He had a high powered motor car, a baby cadillac or something like that, and he was always out for a good time. He was a very cheerful, genial sort of man but he never seemed to do anything of any substance. He seemed to be in his office quite a lot but what he was doing there I don't know at all. I was on the Defence Council at the time and the bulk of what went on in the Defence Council was suggestions

information, discussion and anything to do from the heads of the three services, the Chief of the Naval Staff, the Chief of the Air Staff and the Chief of the General Staff. MacKenzie would just be sitting there looking like a buddha.

Interviewer: Not very bright?

Answer: Oh, he was bright enough, he was bright enough but perhaps in another direction. MacKenzie was a very likeable fellow but he wasn't the sort of man I conceive to run a business, such as the Department of National Defence.

Question: Before we leave the 1930's before we talk about Mr. Rogers, there was one other minister sandwiched between Sutherland and MacKenzie, the Honourable Grote Sterling, do you have anything to say about him?

Answer: Yes I can, very much so. Grote Sterling was a very fine old country gentleman; most meticulous in his manners and in his speech; very firm in his convictions about what should be done and what should not be done. He insisted on the utmost accuracy in the way of any correspondence that went out. If you were writing a letter for him you had to be lucid in your explanation, very careful about your phraseology and not too expensive in the use of words. Rather he was in essence of a thing in accuracy. He was very very careful about it in all his doings and a very nice man to work with. But there wasn't a great deal to do. The depression was still on and there wasn't very much for the Minister to do except make sure that nobody was kicking over the tracers in his own daily work there.

Question: You thought very highly of Norman McLeod Rogers didn't you?

Answer: Oh very. My first dealings with Mr. Rogers was when he was Minister of Labour and the Department of National Defence was running these unemployment release camps throughout Canada. We had a number of camps in British Columbia under a contract with the B.C. Government concerning the straightening out of hairpin bends and roads throughout the Kootenays and other mountainous parts of the province. There were numerous forest fires in the area where this road work was being carried out. Inquiries carried out by the local Army authorities into the property damage were generally nothing but a species of whitewashing which was found to be absolutely uncalled for.

The Crown was under an obligation to pay considerable amounts, a great many hundreds of thousands of dollars to compensate for the loss of the timber caused by these fires. It was my job to brief Mr. Rogers as Minister of Labour because his Department was going to be the one that was going to be faced with the bills for the loss. His grasp of the whole situation was extraordinarily sharp. It was a real pleasure to work with a man of his calibre. It was a great relief to me after our trials and tribulations with National Defence to have him made Minister of National Defence at the beginning of World War II. You couldn't have asked for a better Minister. In my mind he and the Honourable C.G. Power, Chubby Power rank as two of the most capable Ministers of all the accomplished ones I have served under.

Question: Would you say a few words about Chubby Power now.

Answer: If you want me to. Power was a combination of a saint and a sinner. A sinner in the very broad sense of the word. He had an intellect just as sharp as Damascus steel. Many a time when I was called to his office to discuss something he would receive a call in the middle of the discussion to go to a Cabinet meeting or to the House of Commons etc. Many of the Ministers I had to deal with, when you resumed your discussion you started afresh. You didn't start afresh with Chubby you started where you had left off and there was no recapitulation of what you talked about the day before. He had a mind like Damascus steel. He could carry on. He had no qualms about calling a spade a spade.

We were having a great deal of trouble in 1940. He was acting Minister of National Defence at the time. It was after Norman Rogers had been killed and Ralston was still Minister of Finance and I was engaged with Colonel Cassells of Toronto and Mr. Maurice Boisvert from Quebec, two legal assistants in writing the regulations under the Mobilization Act for the conscription and calling up of personnel to serve in the Armed Forces.

In the regulations we needed all the help we could get from the three services. These regulations concerned the calling up of individuals pay, billeting and housing. Cassells and Boisvert couldn't get any help at all from the then Chief of the General Staff. The General Staff would be the one to determine the extent of call ups under the form of conscription. I was forced to call

Power and tell him that something had to be done. He was after me to get the mobilization regulations dealing with manpower completed as quickly as possible. George Cassels K.C. of Toronto was one man and Maurice Boisvert, K.C. the other doing the bulk of the word and drafting the regulations and it was necessary for them to see the Director of Operations of the General Staff and others; the Adjutant General folk and so on. We were getting very little help from these service authorities.

I was forced to complain to Power. Well he called a meeting of the Defence Council that evening and the top brass were told to attend. Power said to me before the meeting started, I was only an associate member of the Defence Council. He said, "I want you to sit along side me". I said, "Why Chubby, why do you want me to do that for?" He said, "Because I am going to lose my temper and I want you to hold me down if I do". I said, "Okay, I'll do it." So anyway he gave tongue and ~~have~~ tongue proper. There were three observers present at the meeting. One was Colonel George Currie, Colonel Allen McGee, both about to be appointed Deputy Ministers. I have forgotten who the third was who had just recently been appointed the associate Deputy Minister of National Defence. You were the great Chartered Accountants MacDonald, Currie & Company and Allen McGee, the Head of the Barkers Bank here in Canada. They weren't just your ordinary bums, they were top brass. Anyway when the firewords finished at the meeting Power didn't have to give tongue or lose his temper but he did speak pretty critically. The Master General of the Ordinance then was General Elkins and he said are you going home. "Well", I said "I have got my Staff car here and he said I have got my own and I dismissed my driver" and he said, "Come on back and have a drink with me". He lived on Goulbourn Avenue, a funny stone house, just about three houses down from Laurier Avenue on the East side. And he said, "What happened at the meeting?". I said, "Don't you know what is going to happen?" You look in tomorrow mornings paper. You are going to see what's happening. He said, "What are you talking about?" I replied, "Didn't you sense that Power was displeased at the absolute futility and the stubbornness of the General Staff not helping when the need is critical to have our compulsory service legislation put into proper shape and so on. That bunch of mountebanks aren't helping. "Oh", he says, "Oh that was what it was all about". So anyway

the next day T.V. Anderson was fired. He was the Chief of the General Staff, the Director of Operations. It was so harmless a task there and I have forgotten what else, a lot of other things happened too. Oh yes, Elkins was fired and Victor Sifton took over from him, a civilian as Master General of the Ordinance from Winnipeg. It all happened there and poor Elkins didn't know what was going on.

Question: This was in 1940?

Answer: Yes.

Question: There were two more Ministers of National Defence. The Minister of National Defence for the bulk of the war, back again to Ralston you drew two pictures of Ralston. One of a rather vacillating man when you bring in a pencil in his hand and another of a fairly strong-minded decisive man of action. Which of the two men, was it your impression dominated the Ralston character between 1940 and 1944?

Answer: I think in the sense of great decisions, important decisions which had to be taken and of necessity carried out with undue speed Ralston was tops on that, but if given time and time wasn't the essence of the contract, he would vacillate. Give him a pencil and he would be correcting a couple of hundred drafts if he had his way, but all told his office of course I was in it many a time, was piled high with files to which he wanted to give his personal attention. Well sometimes people would have to go in there and pinch the files and just do something about it you see.

Question: You thought he was a fine man?

Answer: Oh yes, he was a man of character, a man of the utmost sense of honour, and loyalty and filled with the desire to do his best. Sometimes his methods were not the best way of doing things as they should have been but none-the-less he was a slave to his desk. On several occasions I had been in his office and it was time for him to go home. His secretary, Miss Waters, would come to me and say, "You are wanted on the telephone" said to me personally you see. So I would get out to the outer office, Olive Water's office, and it would be Mrs. Ralston on the telephone and she would say, "Is that you Reg, send Leighton home at once, quick". I mean that's how he just didn't, wouldn't get on with the job at times. He couldn't make up his mind. It's hard to describe that sort. He

would come to a conclusion and then he would erase it just as if ^{he} had a white piece of chalk from a blackboard.

Question: He was a good lawyer. I wonder if you have any inside knowledge of Ralston's conduct during the conscription crisis of 42 and 44.

Answer: I have veritably no knowledge of it. We did use the draftees or the Mobilization Act soldiery in a curious fashion which seemed to satisfy Colonel Ralston's conscience. I have forgotten the method but it was a draft Ministerial Order, to send so many bodies up to well up and reinforce the troops who were going on the expedition to the Aleutian Islands, which turned out to be a farce, if you remember. The Japs got out of the place before the soldiers came upon them. He used some curious formula, I have just forgotten what it is but it satisfied his conscience. That wasn't enough to deal with the need for men on the bigger scale of sending them over to the European Theatre. And I think he felt the need for it but he didn't want to set himself down and say this is what is going to be done. I think it was, what shall I say, not belief, it would be a burden on his conscience if he sent arbitrarily sent men to their death. I think that was really what his feelings were. He never told me so but he was a man of very very high principles in that regard. I know personally of a number of incidents when he was over in England visiting the troops, he would have Sandy Dodd, his Military Secretary, with him and Dodd was sent nearly crazy getting from the soldiers the names and addresses of their next of kin or parents. And Ralston would write a personal letter to thousands of these people and his office was just submerged with files of people he was writing to. You can't help but honour the man but that is not the way you are going to win a war.

Interviewer: Today is August 20 and we are continuing a tape with Brigadier Orde on the general subject of personalities. We are talking about the Second World War I believe and I had inquired of Brigadier Orde about Ralston and the conscription crisis. ^{Ralston} Ralston, after his conscription policy, was no longer acceptable to MacKenzie King. Ralston resigned and was followed by General McNaughton who was briefly Minister of National Defence. Now, this period of McNaughton's life you generally see it as a great tragedy. A great man who was unable to make the conscription policy work and who had a very

short lived period in National Defence and in fact he was unable of course to get himself elected in two attempts. I wonder if I could simply ask you to give us any personal insight you might have on that whole tragedy. Was it in fact a tragedy?

Answer:

It is very difficult to give to anyone who had known them personally like I did an appraisal of two men of quite different qualities but pretty well equal in ability with entirely different personalities such as Ralston and McNaughton, as General McNaughton and Colonel Ralston. ^{##} Colonel Ralston was Minister of National Defence when the conscription issue came to the fore. I remember very vividly getting a phone call from him about eleven o'clock in the morning. Would I come down at once to this office with my Vice Judge Advocate General, Brigadier Harry H.G. Nolan of Calgary, of whom Ralston thought very highly. We went down there only to have Ralston visibly moved. We walked down Elgin Street. My offices were in the old Central Chambers at the corner of Elgin and Queen, and we walked down to the Woods Building and who should come out of the front door of the Woods Building but MacKenzie King escorted by Colonel Ralston. Both quite upset and needless to say Nolan and I didn't linger to see what was rather a painful farewell. King to Ralston on the sidewalk. In any event we went up to the Minister's Office and there we were introduced, personally to General McNaughton (I didn't need any introduction to General McNaughton) who was to succeed Colonel Ralston. There was very little said at that time. It wasn't an occasion for speeches. It was embarrassing not only for the principals but also for the onlookers. And we didn't linger long there.

From the day he started, General McNaughton was a profound optimist in many respects and he was convinced that because he thought so, he was going to be able to fill the reinforcement gap by voluntary enlistment rather than by conscription. I didn't have very much to do with him in that respect. In years to come when I used to stay with him at his summer house down at Montebello he told me of some of the difficulties when he first took office from Ralston. He told me that in the two of the anterooms of the Minister's office there were files piled as high as the ceiling that had been untouched and concerned correspondence Ralston was having with relatives of soldiers serving overseas. Ralston

had a very affable and a very capable military secretary in the shape of Colonel Dodd of Edmonton who was an outstanding lawyer. I think Colonel Dodd had some senior position in the University of Alberta Law School as well as carrying on private practice with his own firm. McNaughton and Dodd didn't see eye to eye and I think Dodd went back to civil life, to his own firm in Edmonton. Probably much to the national gain, I would think. The position of military secretary was taken by McNaughton's old man Friday, Colonel Herrold Cameron who afterwards became Brigadier Cameron. Cameron died a few years ago.

McNaughton's whole tenure of office as far as I could see and what I learned from what Cameron told me, was a series of frustrations all the time. No sooner would he think that things were going smoothly on the rails when crash, something would happen. He couldn't help but put in a most heart-breaking painful tenure of office. Disappointment, he didn't show it a great deal to the outside world, but those of us who knew him realized what the score was and that sometimes, I say this with some hesitation, sometimes led him very much astray in the shape of ordering severe disciplinary action being taken against quite senior officers who failed, not deliberately but who failed to carry out what McNaughton conceived to be their duties in the way of assisting him to get recruits. I think that upon reflection he always changed his mind in this regard. His good sense came to the top, and he forgot about the matters. He left National Defence a very disappointed man.

I knew nothing about his handling of the election in the constituency of Grey Bruce other than that he was defeated. That was his first attempt and the second election attempt was at his own birthplace Moosinmin, Saskatchewan. Wasn't it Saskatchewan? I'm pretty certain it is. Where he confidently expected to win the election. Of course, he failed to do so. So much for McNaughton. He left a disappointed man and it took him a considerable time before he got rid of the chagrin and shock and disappointment that he suffered. Now that's McNaughton.

Question: I wonder if you could go on and talk about his successor.

Answer: Doug Abbott. McNaughton was succeeded by the Honourable Douglas Abbott who was a very eminent lawyer, whom I had known for many years in a personal way. He had a very very difficult task, de-

manding the greatest diplomacy if one can describe it as such, in smoothing over the rough ground that had been left when McNaughton had failed in his endeavours. Abbott was having a little bit of trouble with the Navy, but he managed at some expense in the way of getting rid of certain personnel to bring the Navy back to where it really belonged. In particular it was the VE Day riots in Halifax which upset the apple-cart for a while there. Abbott was a very very fine man to work with. Quick ⁱⁿ appreciation of the situation, considerate to the nth degree. He did a lot to bring back the esprit de corps which the Department of National Defence was in sore need of at that time. Mr. Abbott was justly rewarded in what he always wanted to be, Justice of the Supreme Court of Canada. And he made a very notable contribution to that judicial body. Is that enough for you there?

Question: A rather longer reigning Minister of National Defence was Abbotts successor Brooke Claxton. You must have had a particularly closer relationship with him through the period of the writing of the new National Defence Act. I wonder if you could shed some light on his personality and his ways of working.

Answer: I knew Brooke Claxton long before he ever entered Parliament, because he and his father were one of the best bridge players in Canada. He used to go down to Matisse Beach where the Orde family, my family went for the summer months. So I knew Brooke Claxton very well as a kid down there. He was always keen on the military law for some reason. I don't know why but he was. He was in one of the leading law firms specializing to a large extent I believe in insurance business. It was a very well known and highly respected law firm in Montreal. His father was one of the senior partners. It was a pleasure when he came into National Defence. He talked my language because he knew as much about military law perhaps more than I did. He backed my office up in no uncertain terms whenever that was needed. He was considerate though he threw us a great deal of work, not deliberately, but because it had to be done in the way of cleaning up the war effort. He left National Defence to become Minister of a new Department. The Department of Health and Welfare.

I was very annoyed with him because he phoned me up one day

and said, "I'm going to swipe one of your good officers by the name of Commander Curran" who distinguished himself in the handling of the Merchant Seamen Order. I had loaned him to Brooke Claxton for some other task. He wanted Curran to join his secretariat as a legal advisor to write the Baby Bonus regulations. Well I didn't want to lose Curran but on the other hand I wanted to help ^{out} my old friend Brooke Claxton ~~out~~. I could think of no better man than Curran to let him have. Curran did a first class job, and eventually became one of the most successful departmental solicitors in the government of Canada, in the Department of Health and Welfare specializing in the narcotic drug traffic and so on. It was a great personal loss to me. Later Claxton retired as Minister of the Department of Health and Welfare and went to the Metropolitan Life Insurance Company as Vice President and General Manager in Canada. He died a number of years later of a lingering disease and I felt his death a great personal loss. Claxton knew what he wanted and he knew how to get it without causing discomfort or trouble. He did up things the smooth way.

Question: There are three other politicians whose names I wanted to put to you, for a short sketch, Angus MacDonald, Colin Gibson and a man who I understand you were very close to, Ernest Lapointe. Come to think of it, I am not sure that we brought C.D. Howe into the last discussion so perhaps we better make that four.

Answer: I think that I brought Howe into the discussion over the strike.

Angus MacDonald first. In the early days of World War II an amendment to the original National Defence Act was passed authorizing the appointment of Associate Ministers of the National Defence. Colonel Ralston was the Minister of National Defence at time. Major Parr, C.G. Parr who was the general substitute for most Ministers because of his ability and his smart method of working was made Associate Minister for Air and Angus L. MacDonald who had been Premier of Nova Scotia was brought up as Minister of the Naval Services. There I got to know him extremely well.

The Navy hated to have a soldier such as I was, at least a member of the military force such as I was too boastful telling them what to do. It didn't matter what colour hat I had on but they preferred to have somebody else who they shifted in there to the Navy and he handed out certain advice which I unfortunately

had to instruct be disregarded entirely because it was so unfriendly and nonsensical. It was going to get them into trouble. But the Navy were unfortunate and MacDonald knew they were unfortunate in having too many irresponsible people in high servicing offices who ordered things to be done without thinking of the consequences. # One example I think I may have mentioned it was a boat called HMCS VENTURE, a schooner. This matter occurred before the War. It got the Navy into very great trouble and I am very surprised that the person responsible for it, the then Chief of the Naval Staff was kept on in office.

The second example was when Admiral Nellis the then Chief of the Naval Staff sold to Mr. MacDonald and through him to the Cabinet the idea of having a big Naval Base at Shelbourne. I think it was for training of new entrees into the Royal Navy, getting them out of England and training them in Canada. Well it was a very laudible idea and contracts were duly awarded for the construction of the Naval Base that was going to train somewhere in the vicinity of 2,500 and 3,000 people at a time. Unfortunately they got the buildings up and most of the roads laid and then somebody woke up to the fact that there was no sewer or water system. You can imagine what shame was being cast upon the Naval authority by the Minister for this oversight. They got the Minister down. So I had to iron that out as best I could by some subcontracting or something like that, I have forgotten what it was. I know I drafted some agreement with the construction people to get on with the job of putting in water and sewer mains and so on. And MacDonald, he kept his temper as long as he could but he eventually fired the Chief of the Naval Staff. Well he got rid of him first by sending him over to England to keep him out of mischief. They had an office in London there though their main base was up at Gurroch near the mouth of the Clyde in Scotland and anyway he had Nellis beached.

Angus MacDonald and I were on a first name basis by that time. He called me up one day and said, "Would I come and get a woman away from his office door". I said, "Look Angus I'm doing an awful lot of queer jobs for you but I am not going to yank some favour seeking woman out of your office out by her long hair". Needless to say I stayed at home. I didn't want to get involved in that, so anyway that was MacDonald. He was good and he

got things going but he was given a pretty rough ride by the Navy. I saw quite a bit of him in our private lives because I was one of his golfing companions with the Honourable C.D. Howe and the Honourable Thomas Crerar.

Question: Do you want to talk about that. The kinds of things that went on when you played golf and the associations that came out of your golfing.

Answer: MacDonald and I were about the same age, Mr. Crerar was much older and Mr. Lapointe was another there. I think they liked playing golf with me because I was, if I say so myself, a pretty good golfer. I played golf in the low seventies and I had a motor car to give them a lift out to the Royal Ottawa Golf Club and would drink with them without too much embarrassment and show them the proper degree of respect. I think they enjoyed life and I enjoyed playing with them and I always felt highly honoured in being included in their coteries. True being Cabinet Ministers they could pretty well say, "Well, look here Orde we want a fourth you bloody well get out of your office and come and drive us out". I made no bones about it. I'd tell my secretary that Mr. Lapointe sent for me to go off. They knew damn well I was playing golf with them. But they were charming folk is what they were and they never let me down and I don't think I ever let them down. We never talked shop at all. We never talked about their offices or my work or anything, just ordinary human beings which is what one would expect from men of their calibre.

Question: None of them tried to cheat on their golf games?

Answer: Oh none of them. You couldn't have gotten better friends. Oh no all that trio they would call a penalty shot on themselves, a common thing, "Oh, hell Reg I stepped on the ball or something". One stroke gone I had to drop the ball.

Question: What kind of golfers were they? Good golfers?

Answer: Oh in the 85s around an 85 they would be doing pretty well

Question: Did you always beat them?

Answer: Well, I would take the weakest one you see. We would be playing best ball and aggregate the four of us you see and my handicap was scratch, I didn't have a handicap and the others I think were about 15 or 8 or 12 or something like that.

Question: Who was the weakest of the four?

Answer: Oh it depended on his state health. They were all

Question: They were all pretty bad?

Answer: Oh no, they weren't. They played a very good type of drawing-room golf, a gentlemen's game there but the pleasure went -- they applauded each others good shots and commiserated if you stuffed the ball or something like that and they were hospitable.

Question: I can't imagine C.D. Howe being unaggressive anywhere. He must have been pretty aggressive on the golf course.

Answer: No, no he wasn't aggressive to anybody except himself. If he mucked up a shot there he would almost throw his golf club over the fence to the Glenlea Golf links.

Question: He never got mad at the opponent?

Answer: Oh no, no, no, they played good customer golf. That was really what they wanted and they enjoyed the game and they certainly made life very happy for me at that time. I was very fond of the whole bunch of them and they seemed to like me. They were very hospitable. I suppose they were making more money than I was an occasionally they would let me buy a round of drinks but usually somebody else would.

Question: The only other Minister of National Defence that we have to cover is the Minister of National Defence for Air right at the end of the war, Colin Gibson.

Answer: Well, again there is another one who I knew very well. Gibson was a very likeable fellow indeed. He had been brought up in a political atmosphere. His father, Sir John Gibson had been Lieutenant Governor of Ontario. Sir John Gibson was one of the leading barristers in Hamilton. I don't think Colin Gibson was very happy in political life. He wanted to get back to the law and I think it was a relief to him when he was appointed to the Supreme Court of Ontario. He did one very very good thing though. Just suddenly came to my mind. I will have to digress a little bit.

A committee had been set up under the presidency of G.D. Finlayson, then the Superintendent of Insurance to look into the service pensions of the expanded Armed Forces of Canada. The Armed Forces grew from the regular army of about 5,000 to about 150,000. It was quite a big task. I had inherited the Chairmanship of the Militia Pension Act Committee that authorized the pensions and commuted them and so on from Colonel Charles Panet on

his retirement. So it was natural for me to be appointed to this Committee with Mr. Finlayson and Ken MacGregor of the Insurance Department and one or two other representatives of the Treasury Board. Elgin Armstrong the Deputy Minister of National Defence was on the Committee. I immediately ran across the most obstinate arguments that were all right for civilians but weren't of any value to the Armed Forces. The superannuation loans to civil servants were based on the average pay or salary for the five or eight years preceding retirement. As you know, many civil servants stay on the same job for eight or ten years, unlike the Armed Forces where you are four years in one appointment and then go to some other job and so on. And the two things didn't gel. I checked into having a ten-year factor for the service pensions. So far as the Armed Forces were concerned to base pensions on the average of the emoluments paid for 5 years was the most which would be reasonable and fair as compared with civil servants many of whom hold their positions for 10 or 15 years.

Colonel Gibson was Acting Minister of National Defence at that time.

So anyway, he had a meeting around half-past seven or eight in his office and he had a lot of them up there and he just lashed out at them proper and Orde won the battle. So all our new pensions were approved. I wasn't affected because I was under the old act. Under the law you can't have something taken away from you, in matters like pension and so on. If you have earned it it's yours. So I could look at the problem without any fear of favouritism or affection or what have you. And anyway that ended the battle there, and Gibson did show himself in his true colours, as being a diplomat and being able to cope with the situation. I think the Armed Forces profited under the new act. The Forces are very much in Gibson's debt for what he did for them. So there is the story about Colin Gibson.

Question: I have a dozen or so names of service people you undoubtedly ran into at one time or another and I wonder if you could just give us a short sketch, again of any kind of anecdote which might illuminate their personalities and of details about personality that was striking in any way. Before I forget a man who never was Chief of

the General Staff or whatever but was a figure of great substance General Maurice Pope.

Answer:

Well, I knew Maurice very well. He was at McGill University and I was at Toronto University. We went to World War I around the same time. He happened to be my brother-in-law for a while there but my sister had to get a divorce from his youngest brother. The Pope family sided with my sister all the way through this unpleasant situation.

Maurice Pope was a real hellion for work. He loved the English language and was fascinated by the powers of expression. It was a hobby with him really. He was very very patient. He put no airs whatsoever. He was very fortunate because towards the end of World War I he married a charming Belgium Countess and she was a great help to him. As I say because of our relationship, being brothers-in-law we saw quite a lot of each other. I followed his career with a great deal of interest. At one time he was a Major or Lieutenant Colonel, GS01 in the General Staff, Operations Branch. He used to write on this stuff, that I always thought was blotting paper which they had for these old copy machines. It would absorb the ink. He wrote with a very short stubby almost like a crayon, pencil. Oh a terrific writer there. He would constantly correct some important memorandum or paper that he was writing on some matter. I don't know whether he went to the Imperial Defence College in 1936. It was almost a necessity for a senior staff officer to attend this college if he hoped to advance. I attended the Imperial Defence College in its 5th year of existence. McNaughton had been one of the first Canadians to go there in 1927.

Anyway I still have one funny recollection of Maurice Pope. It was just a couple of days before Christmas 1939 or 1940. He lived up in Sandy Hill where I was. I was walking along Rideau Street and there was Pope. He had a brass hat by that time, a long great coat on the two turkeys flung over his shoulder. He had been down to the market and bought two turkeys for his Christmas Dinner and he insisted on stopping there on Rideau Street and explaining to me the virtues of these two wretched birds. I had to admire them of course and so on. But that is the sort of fellow he was and I see him quite frequently now. He still has a big house down in Rockcliffe. His wife is an inveterate bridge player. So anyway he is one of the salt of the earth.

Interviewer: Yes, his memoirs are very fine.

Brig Orde: Oh a very capable man and they don't come by the gross, they just come singly. That type of fellow does anyway.

Question: If I could move us back a little bit and we could run quickly through a man who achieved the rank of Chief of the General Staff, Sir Willoughby Gwatkin.

Answer: Well I was only a schoolboy more or less when he was Chief of the General Staff. He was a rather forbidding man, very shy, very likeable and very considerate but he didn't waste words. He and my boss Colonel Biggar then JAG, got on very well indeed. When Sir Willoughby retired as Chief of the General Staff, he was appointed Chairman of the Air Board and Biggar while he was still JAG, later joined him as Deputy Chairman.

He was a genius for not wasting words. I remember Biggar showing me a memorandum which Gwatkin had sent him. Gwatkin's office was for some months in the Woods Building and our offices were also in the Woods Building. Anyway Colonel Biggar came in and and he said, "Look here, here is quite a masterpiece - some Chinaman out in Saskatchewan has applied to the Air Board for a flying licence" and Gwatkin in his little handwriting, it was all little minuscule handwriting sent the thing up to Biggar with the following cryptic memo on it. This is celestial in more than one sense. I do not concur GWG. Now that's a clever description of what he had in mind there. He didn't want to have a Chink flying. He was clever, no question of it, clever as mischief, but he wasn't a prig at all.

Question: Well I think we can pass over Currie because we spent so much time on him. Major General J.H. MacBrien.

Answer: Well I got to know MacBrien very well indeed. We were on a first name basis and as a matter of fact we played the stock market together. On a shoestring each of us did but we made a little bit of money and so on. He lived in a lovely house when he first came to Ottawa out on the Aylmer Road. On the Aylmer Road right across from the Royal Ottawa Golf Club. It was built by Mr. Orme, the piano tycoon who sold pianos here in Ottawa.

Question: Independent means?

/he

Answer: No. Oh yes did have some. He was commanding a brigade in the First

Canadian Division and the Major or the Colonel of one of the battalions was a very wealthy man from Montreal named Bartlett MacLennan. He came from a very well to do and highly respected English family in Montreal. He was killed in action. I think it was about the time of the Battle of Loos or the Somme or sometime like that. In his will he left quite a substantial amount of money to MacBrien. I know what the amount was and it was a very very nice thing to do. It wasn't sufficient to make MacBrien absolutely independant but it went a long way toward giving him the type of life he enjoyed.

He was very hospitable and his first wife was a very charming person indeed. They were awfully kind to my wife and I. We all felt very very sorry for Jim MacBrien when he lost his first wife. We tried our level best to find somebody else for him. He needed company and he had two or three starters in his stable. He later moved from the house on the Aylmer Road to one that is now occupied by Admiral Creery on the Soper Estate in Rockcliffe Park adjacent to the American Embassy Residence. MacBrien used to have my wife and I down to his house in Rockcliffe to dinner attended by one or more of these contenders for his hand. We thought everything was going fine for a certain girl here in Ottawa but that fell through and he married a very fine girl called - I have forgotten what her maiden name was. Her father was one of the leading New York lawyers who defended Harry K. Thaw who shot Stamford White the great architect in a restaurant. Stamford White had been trifling with Thaw's wife.

Question: Was MacBrien a capable man?

Answer: I wouldn't say capable. He was mercurial in this way, he would go off in a tangent. He would get an idea into his head and he would drive everybody nuts trying to fulfill it. For example, he wanted to be Chief of Staff and run the Navy. Well Admiral Hose, Director of Naval Services (Head of the Navy) wasn't having any of that sort of dosage. I was the messenger between MacBrien and Hose. They weren't speaking to each other. That was then the first National Defence Act was being written, around 1923. Both MacBrien and I took a lambasting in the Stock Market but that is neither here nor there. We both recovered a little bit. MacBrien then got under Ralston's hide. Do you want me to tell you about that?

Answer: Yes.

Brig Orde: Well Ralston was Minister of National Defence when MacBrien was Chief of the General Staff. MacBrien, I think he felt the pinch because as I mentioned there we had taken a pasting in the stock market and he wanted more money. Ralston wasn't going to have it. Ralston tried to run the Department on a limited liability basis. So MacBrien would send in his resignation. Well Ralston would send for him and calm him down a bit and so on. However after resignation number 4 or 5 or 6 or 7 he was always resigning, Ralston got fed up with him and said OK we will accept it period. That upset him. He was pretty hard up and he and his wife lived in a little house out on the Breckenridge Road out in Aylmer. You know where the Breckenridge Road is? Well, it's one of those houses there. Quite a nice little residential area of sorts.

Interviewer: Quite a step down from ---

Answer: Yes, he was pretty hard up. Then I didn't know anything more about him because I went over to England in 1931. After about a year and a half I heard that Bennett had made MacBrien who was living in rather semi-retirement, I don't know what he was doing, I was away over in England, anyway made him Commissioner of the R.C.M.P. and with a very very handsome pay and allowances and fringe benefits and what have you. MacBrien, he had been in the R.C.M.P. before he had joined the Royal Canadian Dragoons, so he was on familiar ground when he took over the job and he did extremely well. The Mounted Police was expanding very rapidly and MacBrien was the type of colourful figure which the police needed at the time. The former Commissioners Staynes and General Perry were too meek and mild for an expanding force.

When I came back from England and I actually called him up and he invited me over to have a drink with them. And I said, "How are you faring in your new job?" So he told me exactly what he was getting. We never broke any confidences either of us. So he showed me his salary was fixed by an item in the estimates and /at was already on pension from the Army you see, not a very big pension because the CGS wasn't given a gargantuan rate of pay and allowances by any means. This item in the estimates went on to say that on his retirement as Commissioner he could add to his preservation all his army service on which his pension was based and his pension

would be recomputed on his pre-salary, pay and allowances and /have what you which was about three times what his army pay was. But there was a flaw in it. I just forget what the flaw was and I said, "Well Jim this isn't worth the powder to blow it to hell" so I asked who wrote it and he said, "Oh, some Joe up in the Treasury Board or Ministry of Justice or something". So I said, "I forgot more about pensions than any of those blokes ever knew" and I said, "this won't hold water". So I explained it to him. "Well", he said, "I am taking it up right away". Well he didn't take it up right away. I said, "Well, listen here something is going to happen one of these days so strike now while the iron is hot while Bennett is still in power". Well he didn't do it.

Bennett was licked in 1935 or 36. Mackenzie King wasn't any to keen about MacBrien. They didn't like each other or something, I don't know what it was. Anyways so I said, "Now look here" I spoke to Mr. Lapointe about it because the police came under the Minister of Justice at that time. I knew Lapointe well enough and I said, "Do you want to rectify a mistake, an omission nobody did it deliberately they were trying to do a good service to MacBrien. They just didn't know how to do it." And he said he would speak to Mr. King about it. And King said, "Oh come around on Friday or something like that to Mr. Lapointe. This is the inference I drew from Mr. Lapointe and the result was poor MacBrien died before he had his pension fixed up and his widow has been living ever since on a starvation pension. It was all she could do to make both ends meet. I think she got a substantial increase in her pension when all long service pensions were increased in 1967. There is MacBrien there.

Question: General Thacker.

Answer: Well he was a very kind little man, polished in his manners. He liked peace and quietness. I don't think he knew what it would be like to do anybody any harm. He was friendly with everybody. I don't think that he would ever hurt anybody's feelings at all, but he managed to keep the General Staff out of mischief or didn't get them into mischief. Whatever way you want to look at it I don't think he left any terrific impression on it except that he was a nice fellow to have around. A very very sensible man.

Question: Why did he leave?

Answer: I think he was over-age.

Question: He was succeeded by McNaughton who we have talked about many times. Was McNaughton a successful Chief of Staff?

Answer: He had so many irons in the fire. He appeared always to be in everything. He got busy with Tommy Burns, afterwards General Burns who later commanded the Canadian Force in the Gaza Strip. Burns was an engineer by profession and he and McNaughton developed the first method of oblique aerial photography which revolutionized the old vertical method of photography used in aerial surveying in Canada. Now McNaughton was doing that. Burns and McNaughton invented that thing.

Question: We will move onto Major General Ashton.

Answer: Oh there is a pearl of great price, General Ashton. He had every post in the Canadian Military hierarchy. Towards the end of World War I he succeeded General Hodgson I think it was as Adjutant General. He came back from England and he was Adjutant General when I was junior with the Judge Advocates General's Office. In fact I got to know him very well because the Ashtons lived across (from my father's house) on the other side of MacLaren Street. We formed a very very close attachment. They were very very kind to my wife and I and they showed us all kinds of hospitality. When the troops were coming back at the end of World War I there was a vendetta against Ashton continuing his appointment for some reason. I don't know. It wasn't up my alley. The returned Veterans wanted General Ashton to be in some other job, some other post other Adjutant General. A compromise was reached. The then Quarter Master General, Lyons Biggar (uncle of my boss, Colonel O.M. Biggar had reached retirement age and he was leaving and Ashton was appointed in his place. The Adjutant General's position went to Major General J.H. Elmsley of Toronto. Ashton finished his tour of duty as Quarter Master General and wanted to go out to the Pacific coast, no he went to Toronto after that and became a DOC at Military District No. 2. He then went to the Pacific coast. He was a great friend of General McNaughton. When General McNaughton was made President of the National Research Council, General Ashton much to everybody's surprise was appointed Chief of the General Staff.

He had a summer cottage he bought from Sir Eugene Fiset out on the Connaught Rifle Ranges on land occupied under license,

and my wife and I were constant house guests out at this place. It was the understood thing that when Ashton eventually retired the Ordes would be given the first option to buy his property there which we did. He was a very active man. He was a glutton for work, whether it be running his job in National Defence or planning his vegetable garden or strawberry patch out at his cottage or fishing. He never did anything by halves. That fixes up Ashton I should think considering that he was originally a successful medical practitioner whom World War I turned into a soldier, he had quite a career in army hierarchy.

Question: Ashton was succeeded by T.V. Anderson.

Answer: Well here again we were very friendly with the Andersons, Victor Anderson as we called him. He lost his arm in World War I, but he could still drive a motor car as well as anybody else. He was very fond of bridge, but he had queer sort of ideas, rather misplaced there, he is dead now. He was a very gentle, likeable fellow who came from a family of soliders but to a certain extent a procrastinator or he had to move around well defined paths. I remember I was a member of the Defence Council while he was Chief of the Army General Staff. It was after the grim news that France had fallen was received here in Ottawa that there was a certain feeling of alarm particularly with regard to the protection of vulnerable points such as the Welland Canal that I remember in particular. Anyway Anderson had a meeting of the Defence Council up at his office and the command had come from some organization in the Niagara Peninsula, St. Catherines and Welland and thereabouts that they were scared of sabotage and damage to vulnerable points. They were training some armoured units at Camp Borden and somebody at this meeting suggested it would be a good idea to have a parade of armoured units as a show of force in the Niagara Peninsula to reassure the good folk living there. Anderson wouldn't have any of that at all. It would interfere with training and so on and the result was that there was the situation in the Niagara Peninsula deteriorated very much indeed. Anderson then ran foul of C.G. Power, acting Minister of National Defence at a meeting of the Defence Council in June of 1940 referred in this publication at page 55 and 56. On the day following this meeting Ralston took over as Minister of National Defence and Power went to the

Ministry of Air as Associate Minister. By the following day Anderson was relieved of his appointment as CGS and made Inspector General for Ontario of which appointment he was relieved a few months later when all such appointments were abolished.

Question: General Crerar, he was a very good friend of yours?

Answer: Oh very good indeed. He was a most thorough man. I knew him for many many years. As a matter of fact I knew him before World War I. We were members of the University Club in Toronto. I was at the law school and he had just come from R.M.C. and he was with his uncle or cousin Sir Adam Beck of Ontario Hydro. But we belonged to the same social club, the University Club of Toronto and that is how I got to know him and we have been very thick ever since. We both loved golf and often played together. He was a very good player. When I was attached to the War Office in 1926 Crerar was a GS03 at the General Staff at Whitehall and he was a very very great student of military history and painstaking in every job he undertook. I think Canada was very very lucky to have him as Commander of the Canadian Army in Europe. He was highly regarded by all concerned and did a first-class job. He stood for no nonsense at all but he never antagonized anybody by his method of getting what he wanted.

Question: Why in 1940 was he replaced by General Stuart?

Answer: In 1941 I think it was Crerar was in England commanding a division ~~used~~ ^{and} in line for an appointment as Commander of a corps. When Anderson was relieved of his appointment as CGS Crerar returned to Canada and was appointed CGS with the temporary rank Lieutenant General. He held this position for some months but prevailed on the powers that be to return him to England to take his previous appointment as divisional commander with rank of Major-General relinquishing his temporary rank of Lieutenant General. Everyone admired Crerar's action in this regard knowing he would do a good job.

Question: How did General Stuart do then when he succeeded him?

Answer: Well, the least said the better. Stuart was only Chief of the General Staff for about maybe nine months or maybe about a year at the very most.

Question: It says two years here.

Answer: It may have been two years. Events moved very rapidly in those

days.

Question: His wasn't a very significant contribution then?

Answer: No, the night that Ralston sent me nearly crazy writing the order to McNaughton to unstick another Canadian Division to send to Italy Stuart just - he reminded me of a Buddha priest.

Question: He was about to fall asleep or something at this important meeting?

Answer: Yes, he didn't seem to know what it was all about.

Question: What about General Meurchie then?

Answer: Oh General Meurchie he was a good solid fellow. He went overseas too. I think everything was pretty smooth sailing there by that time. You have got to remember that the General, Maurice Pope had his finger in the pie quite a bit there in the General Staff though Mackenzie King had him in Washington performing various diplomatic, quasi-diplomatic missions. But the General Staff acquired quite a good lower echelon in the shape of Ralph Gibson who afterwards became Superintendent of Penitentiaries, Chief Commissioner of the Penitentiaries and Colonel Evan Gill who got mixed with External Affairs and the war committee. He was on the war committee secretariat and a very clever fellow. He had held one of the fairly senior jobs at Dupont, Canadian Industries Limited.

Question: He was at one time Ambassador to Ireland?

Answer: He was Canadian High Commissioner to South Africa. He was there and Bill Anderson, W.B. Anderson a nephew of Victor Anderson, he was a Lieutenant Colonel or a Colonel in the General Staff and he was absolutely tops. They kept the thing rolling pretty well.

Question: You have no very strong memories of Meurchie?

Answer: Well he was a very close personal friend of mine but he wasn't in the job long enough to, I have nothing against him. He must have done a good job.

Question: You have no real knowledge of that?

Answer: No, I don't. I was too busy running a three ring circus of my own.

Question: Before we finish with Meurchie well perhaps

Answer: He was a very quiet, unassuming man personally. He was very ^{dear} ~~down~~ at times. His answers to a simple question might seem a little bit gruff but that was certainly not intentional on his part and I would put him down as one of the solemnest officers we had there. Never got himself into trouble. He kept out of trouble but that

wasn't neglecting his job.

Question: Well Meurchie was succeeded by Foulkes who was in the post for some six years. Now you must have worked very closely with and got a chance to know Foulkes both personally for a good and ^{and personally. Quite} sufficient reason, I never liked him. He was an unmitigated prig. He was very fond of himself.

Question: I believe you told a story, it comes back to me, about Foulkes sending the book along.

Answer: Yes.

Question: That was very mischievous of you.

Answer: Yes it was. Well, he didn't like me and I didn't like him and he did his best at times to knife me but he didn't succeed very much. He wasn't a popular fellow. He was too stuffed-shirt. I think he deserved some credit though, give the devil his due. When he was made Chairman of the Chiefs of Staff Committee, if ever a committee wanted their heads knocked together that committee ^{/a} certainly did and Foulkes was an ideal man because he was ruthless fellow and he didn't mind who he hurt.

Question: Now I wonder on the army side whether there is anyone we have left out who made an impact on the shape of the Armed Forces between the wars and through the war. How about people like Simmons.

Answer: Well, I didn't know much about him. He was much younger.

Question: You didn't know much about Simmons. What about Pearkes?

Answer: Pearkes oh, I knew him very well. It got to know General Pearkes best when he was Director of Military Training. We became very very close friends indeed because he and his wife used to bring their two kids out to our summer cottage. You couldn't have found anybody more likeable and unassuming considering that he wasn't a University man or anything like that. I think he came up, he came of a very good family, but I think he came up the hard way. It was my experience with him, he would go out of his way to help the lame dog over a stile. He was a lover of all men and I think he liked company and he had his own sorrows. His ^{/had} little daughter died of leukaemia. This was a great personal loss to him and I was with him at the time she died and he took it very badly. It was over at his house. That's about all I can tell you about Pearkes. Our friendship has continued through the years. We saw a lot of General Pearkes and Mrs. Pearkes during the time he

was a Member of Parliament and after he became Minister of National Defence in the Diefenbaker Government.

Question:

I think that pretty much ends the Army side. The Naval situation was for most of your period dominated by two names, Hose and Nelli. I wonder if you could talk about the impact of these men on the Naval service and your own personal feelings about them.

Answer:

Well, Walter Hose, he started his career out on the Pacific Coast. I think on an obsolete British cruiser called HMCS Rainbow. He may have also served in the other one Niobe which was on the Atlantic coast. He was an Englishman but he married a girl from Newfoundland. Mrs. Hose was a charming lady indeed and she and my wife were expert wood carvers. They attended some little organization with a teacher. They did beautiful carvings and the result was we got to know the Hose's very well. They lived up the street from us on Daly Avenue. Hose was a very gentle fellow. He was stubborn for example he dug his toes in and blocked MacBrien's endeavours to become Chief of the Navy as well as Chief of the Army. He did that beautifully.

Question:

There was also an occasion on which McNaughton tried to do the same thing wasn't there, in the early thirties?

Answer:

Well that was when McNaughton was Deputy Chief of the General Staff.

Question:

Later on as well?

Answer:

I don't know of any of that at all. My memory is getting a little bit hazy about the Navy because they were such a small organization in the twenties and the early thirties that they were lost sight of more or less. I had a soft spot for the Navy because my kid brother was a Naval cadet at the old Naval College at Halifax. He was blown up in the Halifax explosion in 1917 and lost an eye and had to abandon taking up a Naval career. However he stayed on in the reserves. But as I say I had a soft spot for the Navy and they were nice folk indeed. They weren't what would you want to say a power-house or wizards in any particular field that I could decipher but they had good records of Admiral Victor Brodeur, Admiral Len Murray and Reid all did very well. With the exception of Murray I don't think any of them blotted their copy book at all. Though one had a rather hectic fireworks in the way of matrimonial trouble and there was a bit of a scandal over that. I won't mention names but he was an Admiral too.

Question: Now could you contrast Nellis with Hose? Did Nellis fall under the category you just defined.

Answer: No. Hose was a very very quiet gentle fellow. Nellis was impetuous. Quite as different as chalk is from cheese. And I think conditions that prevailed at the time Hose was holding office and the time Nellis succeeded him were quite different. Money was hard to come by during Hose's term. The Navy was being run on a shoestring and you couldn't pry a thin dime out of the Treasury so to speak. But when they realized that the ~~words~~ ^{word} was possibly going to blow up again and that Ramsay MacDonald in England was preaching economy and getting in wrong with everybody, Canada took the bull by the horns to a certain extent and proceeded to develop as best as it possibly could in getting ships built and training the personnel in anticipation of a war. The result was we weren't caught with our pants down.

Question: Brigadier has mentioned the names of Jones and Reid and Grant who were Chiefs of the Naval Staff in the period from the end of the war on through to 1951 and said that there is nothing of any particular interest or any public interest that they were all good solid men. Actually Brigadier Orde you might be interested in looking at James Ayers book IN DEFENCE OF CANADA which he just published volume 3. and in it he gives sketches of all these various people through his particular lense which is often very jaundiced and you might, having known all these people, you might be interested in looking at that. I have been mentioning some names on the Air side to Brigadier Orde and the first one which strikes him in any way is the name of Wing Commander Scott. Now could you just repeat what you have said about Wing Commander Scott.

Answer: Scott was a very likeable fellow. Sometimes he would go off on a tangent. He was an inveterate poker player and from what I heard from other people I don't think he endeared himself to many of his colleagues in the RCAF, but I happen to like him so that's that.

Question: Scott was both an officer commanding the RCAF and then later on in 1924 to 28 as a Group Captain he was a Director of the RCAF.

Answer: They called him Director. That was when the RCAF were under the superior direction of the Chief of the General Staff. It wasn't until 1935 that the divorce occurred.

Question: Now, you mentioned that Wing Commander Scott was a bit of a lightweight. Are you willing to have that put on record?

I wasn't out there at the time it happened but I heard about it the evening. I was very sorry because I liked Barker. You couldn't help but like him.

Question: Wing Commander Breadner?

Answer: Breadner I knew extremely well. He had a very nice summer cottage at Tenaga or Kirks Ferry up on the Gatineau and a good broth-hardy chap he was. Very reliable. I know of no instance where Breadner let anybody down or failed to do a job better than you could expect. No question of it, his colleagues who were of the same vintage, they were a most worthy triumvirate. They all worked together and respected each other and it was a very smooth working outfit that Breadner had.

Question: This is during the war?

Answer: During the war yes.

Question: He was also a director of the RCAF before the war.

Answer: Yes he took over from Gordon.

Question: Another name Squadron Leader Copp.

Answer: Yes he became an Air Vice Marshall eventually I think.

Question: He was a Squadron Leader when he was Director of the RCAF.

Answer:.. He was a Squadron Leader there. He was, it's hard to say. There was nothing to distinguish him.

Question: Now going on to senior air officers. The first senior air officer was Gordon whom you have spoken about. Then Wing Commander Johnson

Answer: Oh Johnnie Johnson he was

Question: Just a minute was that Johnnie Johnston it's G.O. Johnston

Answer: G.O. Johnston. ^{we} ~~He~~ always called him Johnny.. He was a very quiet mannered gentle type, even tempered; don't recollect I have ever seen him get really mad. He ran his job in a very steady fashion and he had his hands on the reins pretty well. Whatever he was doing there. I am quite certain that if Johnson had failed in doing his job well I would have heard about it. I was very closely associated with him.

Question: OK now, Croil was a senior air officer and then

Answer: That's when the war broke out. Or just after the war

Question: Well he was senior air officer from 33 to 38 and then Chief of the Air Staff.

Answer: That's right. A light weight of the first order. Afraid of his shadow. Very likeable fellow, very likeable indeed, but too gentle for the type of work he had to do.

Question: There seems to be a rule coming out of what you say and that is the lighter your weight the longer you stay around.

Answer: That's keeping out of trouble.

Question: OK now Croil was succeeded by Breadner for three years and then Air Marshall Leckie.

Answer: Yes Air Marshall Leckie and Air Commodore Murray. The latter was an expert in service accounting and re-organized the pay services of the Air Force. The Government brought Leckie and Murray over from England. Leckie had been in Canada in the early days just after the end of World War I when they were trying to organize the Canadian Air Force. He and two or three others came out to Canada.

Question: Steadman I believe was one.

Answer: No, Sted was an engineer. He was old country English but he stayed on. Leckie came out. Leckie and Jimmy Glen. They used to play around at Mr. and Mrs. MacKenzie at the MacKenzie's cottage at Farm Point up the Gatineau River. They played them for suckers. They were sponging on Mrs. MacKenzie all the time. But Leckie I didn't know him when he first came out to Canada except by reputation. Then when Gordon and I were over in England at the Defence College we used to ride over to Felixville where Leckie had a, I think he was a Group Captain or something like that at that time and he had a command there in the RAF. He was very well liked in Canada and it was no surprise to some of us when the Air Ministry allowed as a matter of fact I did the arranging allowed Leckie to come out here. They paid us, paid Canada a lump sum of the present value, then value of Leckie's pension. So Leckie when he retired had all his British service and he didn't have to pay any back dues on that. We accepted that. It was about 20 or 30 thousand dollars as payment and he got a Canadian pension, the same pension as I get under the Pensions Act.

Question: Now the last one who would have, who you would have had an association with, the last Chief of the Air Staff would have been W.A. Curtis

Answer: Bill Curtis, very much so. He was a real fellow, Curtis was. He wasn't in the Air Force permanently. He was in some sort of business or something like that in Toronto, Wilf Curtis. When the war broke out I think he was a Squadron Leader or a Wing Commander in the Air Force Reserve and naturally he stepped in and took over

from Leckie, I think. He was a good sound businessman from what I heard about him and he certainly put his business training to good work where it was needed for the Air Force in the post war time.

Question: Now in the field, on the Air side do you think we are leaving any important name out. How about Steadman?

Answer: I knew Steadman quite well because of a rather curious thing that happened. In the early 1920's the Government of Canada were buying second-hand aircraft from England or from the United States and doing it on the cheap and getting them reconditioned by the old Ottawa Car Manufacturing Company on Albert Street here where the Place de Ville is now. While the above was being carried out some party whose name I have forgotten served a writ on the Government of Canada claiming infringement of what the claimant said was a patent - in respect of these aircraft as well as others which were being constructed by the embryonic Canadian Aircraft Industry such as DeHavillands and Vickers. If that wasn't sufficiently alarming, the United States Government was being sued by the same party that was suing Canada for 250 million dollars on the same grounds namely that he possessed patents that were being infringed by aircraft people in Canada and the States. Both Canada and the U.S. pooled whatever information each one had which would ^{deficit} ~~deficit~~ the claim. So Steadman came into the picture.

The statement of claim contained certain drawings and sketches of aircraft that this fellow had alleged to be his baby, and that and the U.S. were infringing. Mr. Desbarats was the Deputy Minister at the time. He was an engineer and he was very fond of Steadman so I naturally - my office was involved with this litigation and he got Steadman, had him relieved from all other work in the air force to make models from this fellow's designs for his aircraft. Well they were the craziest looking things you ever saw in your life. It might have been something that came out of the Ark. They looked like something that Leonardo de Vinci would have invented. As far as the litigation was concerned the Crown was represented by counsel appointed by the Minister of Justice and my participation in the matter was limited to what I outlined above. I have forgotten whether the case came to trial or not, but in any event the claimant lost. Steadman's technical contribution was I think the major contributor to the defeat of the claimant.

Question: Steadman?

Answer: My personal opinion of Steadman is that he was a quiet unassuming man. You'd wonder how in the hell he could more or less set the world on fire, but he was doing it. Very unassuming, quiet and studious. He did a lot of that sort of work in assisting and in getting these airframes for the these aircraft and in getting them rebuilt for next to nothing by the Ottawa Car Manufacturing Company. This Company was quite content to take it on just to make a very small profit. They were the ones who built all the Ottawa street cars here.

Interviewer: I finished the interview by asking Brigadier Orde if there was anyone on the civilian side that he either hadn't mentioned or hadn't mentioned sufficiently and he felt that really there was no one that had gone unduly unmentioned. In the earlier cases, people like LaFleche were in office so long that it was worth mentioning them and it was good to get something on the record. So that ends the personality section of our interview with Brigadier Orde.

Interviewer: Date - August 22nd and it will be our last interview with Brigadier Orde - it's No. 11, I believe. We are going to discuss the Curt Meyer Court Martial at the end of World War II and Brigadier Orde could you perhaps to begin the interview could you just give us the background information leading up to the actual formal court martial.

Brig Orde: At the conclusion of World War II the British government formed a Royal Commission headed by a Lord Justice of Appeal, I don't recollect his name, to investigate and report upon what were commonly called war crimes. This Commission had their investigators and they visited many camps and other useful places where information might be found. As a result what with the rumours that were going around the facts were extremely damning for the Germans. Canada decided to take action in respect of one particular incident which occurred shortly after the landing on the Normandy Coast near the Town of Falaise.

The army authorities in England got in touch with the Committee of Investigation which had been set up by the Royal Commissioner, Lord Justice of Appeals Commission and the result was that many avenues of investigation were open to the Canadian officers. The leader of them being Lieutenant Colonel Bruce MacDonald who when

he returned from the wars became Judge of one of the County Courts in the Province of Ontario. A very capable and intelligent man he was rather ruthless in some respects but that didn't detract from his ability or his consideration for others. Anyway he'd gathered together a small team of investigators and interpreters and visited a number of camps, prisoner of war camps in the United Kingdom and some of them in France where German prisoners who had participated in the earlier days after the landings and in particular who belonged to German units operating in the vicinity of Ancien Abbé Ardennes somewhere near Falaise were held.

When Lieutenant Colonel MacDonald's report and the views of senior Canadian authorities in London reached Ottawa, our Government was of the opinion that it would be inconsistent if Canada did not follow in principle in respect of the uncalled for shooting of prisoners of war when the Allies were about to seek punishment of those who conceived the war and who carried out that conception. With the wholesale support of the British Government, Canada decided to prosecute General Curt Meyer the Commander of the German Division involved. At the time of the landing in France, he was Commanding the 11th Panzer division in the vicinity of Falaise. General Curt Meyer ^{was} one of Hitler's hatchet men in the earlier days of the war and a rather ruthless customer from all accounts. In any event the Government decided to embark on this enterprise. It was welcomed by not only the British but by the Americans. It was this decision of Canada that allowed for the first occasion when there was going to be a court martial, a criminal trial of a commanding officer of a large military unit not for what he himself had done but for what he had permitted or ordered to be done by those under his command. It was watched by the world at large as I shall tell you in a few minutes.

We had passed regulations known as the War Crimes Regulations which specified what should be done, but we followed almost word for word the corresponding regulations passed by the British but for the United Kingdom read Canada. Among other things it provided that evidence obtained leading up to this decision to lay charges, was to be reviewed by the Judge Advocate General, namely myself at that time, and if he considered that there was a prima facie case made out, not as to the man's guilt, but as to be worthy of trial,

he would so certify and the court martial would then be ordered by the appropriate military officer.

I proceeded to England in the latter part of October 1945 and spent a number of weeks with Lieutenant Colonel MacDonald and his officers going over the evidence that they had obtained from their investigations and I was in a very strong position of being able to certify that the case was one which should be brought to trial. I so certified and a court martial was ordered by the general officer commanding the Canadian occupation force, Major General Christopher Vokes. The Court was comprised of the most capable officers who would administer justice fairly and impartially. Much work was required to be done before the case was brought to trial. We were still operating from England.

I was with Lieutenant Colonel MacDonald and we had to make certain decisions. First, the accused was entitled to be defended by competent legal counsel. It was impossible to get a German. The accused was provided with Lieutenant Colonel Andrews who was an extremely competent man. He was provided with two interpreters and any other help that the accused felt that he should need. But the accused never asked us to do anything about it because he was very well served in his defence.

The prosecution consisted of Lieutenant Colonel MacDonald, Bruce MacDonald who had as his assistant Lieutenant Colonel Clarence Campbell, now the President of the National Hockey League of Canada and a very capable pair they were.

I flew over to England on a terribly cold day I remember - stripped bomber hard seats and with a number of German POWs who were being taken over as witnesses and we landed somewhere on the field near Aurich that had been used by the Polish Airforce near Oldenburg. The court was chosen and it was a very competent court consisting of experienced officers, men of sound judgement. They weren't lawyers, although I think one was a lawyer but they were men of common sense each possessed a very high reputation for integrity. The trial took place in a small town called Aurich which was between Oldenburg and Wilhelmshaven, the Headquarters for the Naval Forces of Germany operating in the Kiel Canal between Wilhelmshaven and the Baltic during the war. A huge hospital was there which was taken over by the Canadians. There were also large naval

barracks, very large assembly room. The room chosen for the court martial looked very much like a modern type of chapel with a gothic roof and beautiful panelling. It had pictures of notable Germans, but the Canadians had removed those for the time being and they spent a great deal of time and effort in turning this into a very impressive and respectable court room. They left out nothing. They had ample accommodation for the court reporters - more of that in a moment - for the press, the witnesses and for the spectators.

I ^{visited} ~~visited~~ the court room the day after I got to Germany. I was put up in an apartment in the small town of Badswitchenan, a watering place outside of Oldenburg where the wealthiest folk from Wilhelmshaven braved to swim around in fresh water. Very comfortable there. I was very impressed with the work and the great understanding that was shown by the Canadians operating in Germany to make this a very dignified and not a make-shift enterprise that we were embarking on and that paid dividends. Well I heard later on in the trial that we were commended from every quarter.

There was one hitch, for a moment. We had a trial run of the court. I drove over from Badswitchawan and to Aurich and the court assembled and the defending officer with his interpreter was present, MacDonald and Campbell the two prosecuting lawyers were there and a battery of court reporters which I had insisted be provided. We had to scrap the bottom of the barrel for court reporters and they were all very good. I instructed the Court Reporters to follow, in the House of Commons procedure, namely that the reporter then would take notes for 15 Minutes and then be relieved by another reporter. While he was on relief he would transcribe his notes and have them ready in a certain number of copies. The result was that at the end of the day, I think the court used to rise at a little after five in the afternoon, I would have in my office at Canadian Occupation Headquarters at Badswitchawan a complete transcript of that day's evidence. It was a job well done and it was worthwhile taking all that trouble and spending all that money because it prevented prolonged delays and other needless adjournments of the court. The hitch I mentioned above was that the Canadian authorities in Germany had failed to think that

the floors in this building were of hard wood and with the ammunition boots that the troops were wearing you couldn't hear yourself think with their running around and so on. So I gave instructions that there be provided for the court orderlies, a sufficient number of running shoes, brought from somewhere I don't know where they came from, but they might have had to fly them over from England for all I know. These rubber soled shoes were there in two days time to provide adequate footwear for all those who were travelling around in the court room and in the building. It certainly made for great comfort and it caused very little complication. [#]So anyway the trial opened, it lasted - my recollection serves me right, somewhere around twelve days or thereabouts - twelve or fourteen days. I got the evidence every night and naturally kept it to myself. My senior officer, the assistant Judge Advocate at Canadian Headquarters in Germany Colonel - I've forgotten what his name was, an Englishman but he was the Judge Advocate of the court and he was a really excellent man indeed. He was careful and impartial, leaned over backwards to provide a fair trial. However as the trial went on it became apparent that the evidence of the witnesses was becoming more damning for the accused.

There was some confusion as to whether Meyer had given a definite order that no prisoners should be taken, or whether he knew of the feeling of his men with regard to taking prisoners. They were ruthless. They were the 11th Panzer division. I think they were hard, they were really tough, tough people. Many of them had been coal miners and they were young firebrands and very difficult to control. Curt Meyer, he'd been a brigade commander with the same division on the Russian front before he was transferred to Northern France. I never gave much thought as to whether he did know or whether he didn't know, that wasn't my job at all. I'd carefully refrained from doing that.

In any event about a week or so before the trial ended,

in respect of one Canadian soldier who was convicted of desertion in the Mediterranean Theatre and sentenced to death. For this Italian ^{case} ~~case~~ I used the drill which was followed in World War I when we had 24 such ^{Casos} ~~cadets~~ NDHQ sent me by signal the complete drill followed in the World War II case. I kept that in complete secrecy until Meyer's trial had been concluded. I got the proceedings signed by the President. I had already reviewed the evidence and I just refreshed my memory in certain respects of it and I was able to certify that the court martial was regular, the proceedings according to law and the findings in accordance with law. And that was all I was required to do and I so reported to the convening officer, General Vokes.

I must say that my sympathies were a little bit, not a little bit but were somewhat with Curt Meyer. He should be punished but certainly not given the supreme penalty and I was reminded of an occasion which I'd heard about, purely hearsay, of some British officer who had gone to Paris on leave and his troops misbehaved themselves somewhere elsewhere in France and he was hauled over the coals for not doing something about it. Well he was several hundred miles away when the fun was occurring. It was analogous but in a lesser degree with the Curt Meyer ^{case} ~~case~~. However, one evening I sent the proceedings - my office was in the same huge building as that of Major General Voke's office was, and I delivered the proceedings to him with my certificate on it, got a receipt for it and I left the proceedings with him. As confirming officer he knew what his powers were and that it was for him to act as he saw fit. ~~The~~ The dispatch rider came to me with a letter from Curt Meyer with a translation by his defending officer's interpretator. The letter in effect said, "My dear fellow officer" This was the way he started. "I'm paraphrasing what he said pretty well". "I've had a fair trial, I have no complaints about the way I have been treated but I plead with you as a member of the Canadian Armed Forces to think of my wife and my children. I have this amount of money, blah, blah, blah, I won't put it that way - this amount of money which I itemized in the letter, so much in the person's award account so much in the Deutsch Bank, so much elsewhere and so on and I appeal to you to make sure that in the event of my - he knew that he was

liable to be shot by that time of course but he didn't know whether he was going to be or not - I appeal to you to make provision that my wife and family get this money and get it promptly.

It was a heart-breaking letter to have to deal with so my opposite number in the British zone there, Brigadier Scott Barrett whom I knew quite well (he was with me when I was attached to the JAG office in 1926) I called him. I phoned him from Canadian Occupation Force Headquarters and he said come down right away Reg and oh this had to go to the Military Government but you see the handling of the civilian - these funds of the German's - The Canadians had nothing to do with it. The British occupation force with their military government had all that like they provided us with civilian servants, I had a housemaid with my flat provided for me. So anyway I went down to, oh this was about 100 miles away or 80 miles away from the Canadian Headquarters down in the Black Forest and I saw Barrett and I saw Montgomery's Head of the Military Government and explained the situation to them I showed them the letter that I got from Curt Meyer and they agreed that something would be done. They made copies of it. They sent the certificate that they would look after it and take care of the situation. I duly informed Curt Meyer by letter and stated what I'd done and I thought that was common decency to do it.

Well then See he'd
delayed confirming the sentence. In fact he was about to do it and he changed his mind.

So

got in touch with Mr. Massey and he said yes, bring Vokes along I'll be glad to see him. So then I arranged for Vokes and I to leave at once for London. Lieutenant Colonel Branden, the Judge Advocate

of the Court Martial came along too. Lieutenant Colonel Branden had been present during all the hearing of the court and I hadn't been of course. So the three of us got on the night train from Orenburg, I think it was and got to Calais in the morning and then across the channel to London that afternoon and saw Mr. Massey the next morning.

It was unanimously agreed by Read, Massey and Vokes (I ^{kept} ~~keep~~ out of the picture) that justice would be met by commuting the sentence to life imprisonment and giving General Meyer a chance of earning some remission. Either Mr. Massey or Read, I've forgotten perhaps I may have said it then, the view generally accepted was that if this had been a British court martial and it had been a British general tried for precisely what Curt Meyer was tried for, would he have been given a death sentence? The general consensus of opinion was in the negative. Well I felt the same way. That was the end of the Curt Meyer trial. I had another Air Force trial which was not of such a notorious character.

But Curt Meyer went to a big German military prison in Berlin I think Spandau ^{au} was the name of it, I'm not sure. The British seemed to be a little bit diffident about having to pay for his keep as far as I can remember, but that was the essence of it. They didn't say that in so many words. I think Sherwood Lett, who had been Deputy Chief of the General Staff and had been distinguished at Dieppe and ~~wounded~~ came back to Canada, went back to Britain again and eventually became the Chief Justice of British Columbia, but he was sent over to look into this Curt Meyer case. And I think he was the one who recommended that Curt Meyer be transferred to Canada to do out his term of imprisonment. I didn't like the idea at all because under the Haig Convention, prisoners of war, and those sentenced to imprisonment for crimes, should be accorded the same treatment as would be accorded other people in like confinement, and be able to be visited by their relatives and so on, just like our own convicts in our penitentiaries and this procedure would deprive Meyer of these amenities. He was committed to Dorchester and was treated fairly well there. I think he became Librarian at the Dorchester Library, but a number of people, lawyers, clergymen, what have you took up the cudgels and pleaded for him. had nothing to do with that at all. That was a matter of higher

authority, but I was completely in favour of his being sent back to Germany so he could at least have some communication with his wife and his family. So anyway that was done after several years. I think he was incarcerated for about 12 years or something like that.

It was a very dismal sort of task to have to perform. I didn't relish it in any way, shape or form but the job had to be done and I think the decision that was taken to commute the sentence was perfectly right. It would have been a tragedy if he'd been shot. I'd have felt very remorseful about it. So that ends the history of that. Eventually his sentence was terminated. He was released from ^Prison and I've forgotten what he did after that. I don't know whether he was selling wine or something but I believe he's dead now. I'm not sure. So that is the history of his trial there.

Question: There's several things I'd like to ask you Brigadier Orde. I'm interested in the legal basis for the Canadians taking a court for foreign citizen who is not subject say to the Canadian Code of Discipline and prosecuting him and sentencing him at a Canadian court martial. There has been quite a bit written since the war about the Nuremberg trials and other areas which-but the general idea was some favourably, some criticizing this idea, the first time in modern history that was trials been held, where in ancient history it happened fairly frequently. In those cases it was more a case of the victor over the vanquished, sort of vengeance. Could you just discuss the legal basis of Canada's jurisdiction to try a foreign citizen in a Canadian court martial?

Answer: Well I'm not quite the real authority on international law or constitutional law but I will say this, that many of the laws relating to the Armed Forces were harsh in themselves, because of the necessities of the time or the place or the exigencies of the service and in some cases almost brutal. To go back to the Haig Convention if my memory serves me right, if a prisoner of war committed an offence while in his enemy's custody, he was liable to be tried by his enemy's courts.

Interviewer: But the situation is a little different -

Answer: Well it is a little bit different but the principle is not very much different. Here was a case where - and it's a buildup where-

I wish my memory was better but there was the dictum by this Lord Justice Wright, that was the name of the man who presided over the Nuremberg trials I think. He expressed the view and I can't give his exact words, but the gist of it was that here was a group of evil men acting entirely without principle or regard to humanity who carved for themselves a swath of vandalism, murder, death, famine through the parched earth principle and so on and that their crimes were not crimes committed on the spur of the moment; their actions were the result of very stringent preparation and without any possible regard for their own or their nation's dignity or the peace of other nations. They deserved to be punished and a few weeds from the shakiness made at the Nuremberg trial and likewise at the trials in Japan. My senior officer Brigadier Nolan he ^ewent over as the Assistant Chief Prosecutor to the War Crimes Tribunals in Japan. I didn't see him before he left but we discussed this business that you mentioned. He didn't know he was going to Japan but he was quite a student of international law or constitutional law, or whatever you want to call it and he shared the same view I think that Wright did and I did and I can't see ~~there's~~^{is} anything very wrong with it. All these acts by the enemy, these Japanese and Germans, weren't acts of the moment, impetuous acts they were pre-planned.

Question:

I do not deny that there was definitely a moral basis for trying these people, I'm questioning the legal basis. What I'm getting at is did the officers in charge consider the Canadian officers and the British officers consider that had the Germans won a lot of Canadian and British air pilots would be being court martialed by German courts martial for the fire-bombing of Dresden and surely on many cases the allied officers gave the order that no prisoners were to be taken against the Germans, certainly the Russians did, the Russians did and there were probably I think that one could find an instance where allied officers held the view that there were to be no prisoners taken, in other words should be killed. Right, right so do you consider at the time did Canadian authorities did they consider at the time these questions?

Answer:

I don't think there was any question but the Canadian authorities did. The whole matter was very very carefully weighed and I was in on a number of the deliberations that may not have contributed very much to them because people in superior authority to me were handling

the matter. I'm not being modest, I'm telling the truth. But the fact remains that the argument was that we were the conquerors. We could make our own law and these people were on our territory and they had committed crimes against us. Therefore let them be punished. That was the gist of it and if Parliament of Canada remains supreme no man's property or person is safe so long as the legislators are in session.

Question: The problem with that way of thinking though is giving it this future conflicts that when Israel or the Arabs overrun Israel or Hanoi decides that the American pilots are was criminals, do you think looking back no that perhaps a very bad precedent may have been established by trying these foreign soldiers?

Answer: Oh well, I wouldn't go so far as to say that. I would certainly agree that the doctrine or procedure of holding a commander of a big army component, say a division or a brigade responsible for every act committed by the troops under his command no matter how far away or how close he was to them, I think is an insidious, a very insidious principle to follow. That principle violates all the tenets of holy writ, according to my book anyway. But bear in mind, in on the other hand, a commander knowing that he had serving under him a lot of firebrands and irresponsible rascals and he lets them go on leave say to Paris without any due supervision and he can't escape but knowing the risk that the good folk in Paris are running by having these rascals on their doorstep. It was up to him to prevent this happening. That's a good illustration of what I'm driving at.

When they had the VE day riots in Halifax after the Armistice in May of 1945, Admiral Murray got hauled over the coals for allowing the ratings from HMCS Stadacona to leave barracks when he knew the night before that they were out for trouble. He said they should be treated as ordinary citizens entitled to their day off. Well look what happened. They destroyed God knows how much property on a major shopping street in Halifax. They robbed Woods Dry Good Store, Henry Birks Jewelry shops etc.

Interviewer: I don't understand the analogy

Answer: Well there's an analogy there Norman, in this way. To hold up a commander responsible for the acts of his men he must have been in a position to have known that there was a risk of letting them do something, sending them out on leave or saying shoot to kill -

no, no, not shoot to kill but no prisoners to be taken. I think when you look at it from that standpoint punishment should be meted out. I'm not saying that everybody should get off scott free but I think there is a degree of responsibility depending upon the circumstances whereof the commander must have known, or should have known if he'd been any good and if there was any risk of some unwarranted event happening through them being left on their own, then that commanding officer should be taken to task for it.

Question: I don't think there is any question, there is no question in my mind that perhaps the commanding officer should be taken, held liable, but the question I'm driving at is who should hold them liable, who has the right to hold the commanding officer liable - the superior officers of a foreign army or are the officers of his own army?

Answer: The officers of his own army --- we're not the interpretators or the law, the enemy's so terribly cold - Well this is what we did in the case of Curt Meyer - what he had done was wrong in the eyes of the Canadian Forces Military Law. It may have been perfectly legal under the German Military Law.

Question:

Answer: Well you could go up one step further, but he hadn't been told - no evidence was put forward that Hitler - Rommel or Colonel General ~~Fidel~~ ^{Jodl} had told him what to do he just sat back, that's what he did.

Question: Just one or two other things, you mentioned that you felt somewhat sympathetic for Curt Meyer and you also mentioned earlier to us that there was a lot of press coverage was there any sentiments expressed in the press concerning Meyer?

Answer: I didn't get - any what?

Question: What about the press coverage of the trial, were they sympathetic to Meyer?

Answer: No, as far as I can make out their dispatches were censored. I didn't see them. That wasn't up my alley. I've forgotten how many reporters we had but they were pretty much representative of the world press in the United States papers and Reuters and what have you. No I think they were just reporting the facts of the case.

Interviewer: Why censorship?

Answer: Well that was the rule of the land then in those days there, all press things had to go through I believe the press wanted it themselves I don't know why they had the censorship. It seemed to me to be

Interviewer: Was there censorship at the Nuremberg trial generally?

Answer: I have no knowledge of that. They may not have been censored but if they were The press reports, what ones I saw, /were I didn't see them all naturally, I felt eminently fair.

Question: You mentioned that he could not have a German defence counsel, why could he not have a German defence counsel?

Answer: Well he could have had but the German's defence counsel wouldn't be familiar with Canadian law that was all. He could have had one if he wanted but he was quite satisfied and he had a good interpreter.

Interviewer: I'm still just amazed The whole idea of what happened there and what happened at Nuremberg from a legal point of view

Answer: But the ultimate legal sanction has got to be the conquerors, we can say whatever view is legal, surely

Interviewer: Well known Canadians can say anything that I

Answer: Can sanction by law - anything that he wants if they throw the book at the Canadian jurors and say look here you read the book backwards, that's a horse of a different color.

Question:

Answer: I never heard a single word of criticism about the Wright Commission or the decision of the Canadian government to bring Curt Meyer to trial. I haven't heard a word of disapproval of the manner in which the trial was carried out.

Question: Your claim John is that there is no - that Canadian government had no right to try Meyer under Canadian law? It was not a kangaroo court and also I don't think the court had jurisdiction other than the fact that it was victor over the vanquished - the winner over the loser.

Interviewer: I don't think Hanoi has rights to try American flyers. Don't the Haig Declaration - the law when usually there's a war, don't they /them cover that in principle if you read from a broad angle.

Question: But the fact that both sides disregarded were at war?

Answer: Yes, but two wrongs don't make a right. I don't know of an instance

where the Canadians have violated the Haig Convention. They may have done it under the counter sort of thing, but I wouldn't be at all surprised if there were some instances of looting and what have you.

Question:

Answer: Oh, it was more than that it goes into the treatment of prisoners of war.

Question: Talking about the fire-bombings and things do you consider it a definite breach of the Haig Convention?

Answer: Oh yes, but I think if you read the Haig Convention in the light with which it was intended - I'm going to put it another way - I don't think the Haig Convention was intended to prevent the victor from enjoying the fruits of his victory, which he was entitled to do. I mean what were you fighting a war for, but to kick the another man out of the country?

Interviewer: That's no legal argument

Answer: That's no legal argument, no that's not a legal argument.

Question: There was no legal basis but morally and for various other reasons the fact that the war was won and we won it and therefore -

Answer: No, you've missed the point, Germany was a signatory of the Haig Convention but whether it renounced it or not I don't know, but Canada was a signatory or bound to follow it anyway because the British had signed it. Now nobody ever argued that what we were doing in the way of trying these people was contrary to the Haig Convention because we were the victors in the war.

Question: Who would be likely to object on the eve of victory, or on the moral of victory?

Answer: I don't know who would

They had a chance to object there later on.

Question:

Answer: I don't think you can compare the Numerberg trials with the trial of Curt Meyer. Curt Meyer wasn't a leader of his country. He wasn't committing war crimes against France or Great Britain. He was committing a crime against the soldiers of the enemy and that was what he was charged with. The people that were tried at Nuremberg, ^{Jodl} ~~Jodl~~ and what's his name, the beer baron, Lafon Minister

and the others, they were tried for - on an entirely different charge, nothing to do with ordering the shooting of enemy soldier. It was for political and depredation grounds that they were tried. Ribbentrop, the German foreign minister was tried for the same reason. He used to play tennis at the Rideau Tennis Club in Ottawa before the war and from all accounts I heard he was a very likeable fellow.

Question: There were various charges, I think there were cases where say prisoners of war had been killed, things like that by German officers -

Answer: Oh hogwash, there were, but I don't need to put a thing into its proper perspective to call Curt Meyer a war criminal as opposed to the Gurney and his gang who were tried at Nuremberg. They were butchers by proxy. That's my view. There is a distinction -- tried under Canada's War Crimes

Interviewer: Yes, well that's all right but under what regulations were the Nuremberg people tried. No, but I was saying, he was a war criminal. He was well he committed a crime against Canadian Force that he had actually done - During war? During war, he wasn't committing a crime against the Dominion of Canada.

Question: Do you have any
Is that all you got now? I think so

Answer: The difference between the Nuremberg trial and the trial of Curt Meyer is simple. The former trial was that of persons plotting and waging war against another nation, without any sense of responsibility to either belligerent. The trial of Curt Meyer was for entirely different reasons: namely, the responsibility of a commander of a military unit to ensure that the men under his command did not violate the rules and usages of War in respect of prisoners. The Nuremberg trials were held pursuant to the laws of the conquering nations; the trial of Curt Meyer was held under the laws of Canada also a conquering nation. As far as Curt Meyer is concerned if a Canadian officer had been charged in like circumstances in respect of the enemy troops he would have been dealt with by a Canadian Court Martial in the same manner.