

a riot, disturbance of the peace, or other emergency requiring such service occurs, or is, in the opinion of the civil authorities hereinafter mentioned *anticipated as likely to occur*, and in either case to be beyond the powers of the civil authorities to suppress, or to prevent, or deal with, whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the municipality in which such corps is raised or organized; and it shall be the duty of the senior officer of the active militia present at any locality to call out the same or any portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting or dealing with any such emergency as aforesaid, when thereunto required in writing by the chairman or custos of the Quarter Sessions of the Peace, or by any three magistrates, of whom the warden, mayor or other head of the municipality or county in which such riot, disturbance or other emergency occurs, or is anticipated as aforesaid may be one; and to obey such instructions as may be lawfully given him by any magistrate in regard to the suppression of any such actual riot, disturbance or other emergency; and every such requisition in writing as aforesaid shall express on the face of it, the actual occurrence of a riot, disturbance or emergency, or the *anticipation thereof*, requiring such service of the active militia in aid of the civil power for the suppression thereof; and every officer non-commissioned officer and man of such active militia, or any portion thereof, shall, on every such occasion, obey the orders of his commanding officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their military commanding officer only." Then came the last amendment in 1877 (40th Vict., c. 40), which regards only the cost of transport.

The averments of the declaration in each of these cases seem to follow exactly the requirements of the statute, to which, also, the proof in the case conforms itself completely.

There is the requisition in writing, not only by three magistrates, but by six, addressed to the senior officer, and expressing on the face of it the anticipation of a riot, requiring the services of the force in aid of the civil power for its suppression. Then came the order of the senior officer, and the execution of that order, and the transport of some of these troops, and their presence here for the time alleged and charged for. But it is pleaded on behalf of the city that the conditions required by the Statute never arose. That the civil power was perfectly willing and able to have preserved peace and order without the aid of the active militia, and that the Mayor had in fact been specially requested and charged by the Magistrates at a regular meeting with the duty of preserving the peace, and had taken his measures accordingly; and that the requisition made by the six Magistrates to Col. Fletcher, was in direct opposition to the decision of the Magistrates as a body. It is also said that some of the six gentlemen who signed the requisition resided out of the limits of the city; but that is unimportant, because in the first place the power is not limited to those who reside within the city limits; and in the second place, if it were so limited, there would still have been the required number of three, which would have been sufficient under the statute.

I was told that I had to interpret the statute with reference to a most important question. I certainly agree that it is a very important consideration for the ratepayers, whether, upon any and every occasion on which the fears of any three elderly gentlemen in the commission of the peace may be reasonably or unreasonably excited, a bill of perhaps hundreds of thousands of dollars may be run up, and have to be paid; but that consideration does not give rise to any question of interpretation of the statute, nor make it either easier or more difficult to interpret, even if it did give rise to such a question. The fact is that there is nothing to interpret in this statute; and the very first and safest rule in reading statutes is that where the meaning is plain, there is to be no resorting to what is called interpretation. Such being my view of this statute—and as I see nothing to interpret, but only some plain words to be applied to the case before me, I hold that the plea put in by the city cannot be maintained. It amounts to say