

organization and where it is not a municipal organization.

Hon. Sir MACKENZIE BOWELL—If the minister insists on keeping the number unchanged; say the mayor and the reeve of a municipality.

Hon. Mr. SCOTT—He would be a magistrate of course.

Hon. Sir MACKENZIE BOWELL—Would he be a magistrate in that sense of the word?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMULLEN—Not always. In Ontario the reeve is not; the mayor is; the law has been altered in that respect.

Hon. Sir MACKENZIE BOWELL—I am speaking of the rural districts. What I am pointing out is the difficulty of carrying out this law in the rural parts. Take the case of Senator Edwards: Back in the Gatineau country they are building railways; could he get three magistrates there, and if so, within what distance?

Hon. Mr. McMULLEN—If the mayor of a town is ex-officio a magistrate, the reeve of a township is not. And even if he were, he would be just as bad as the warden or mayor. He would be looking for re-election, and would not jeopardize the labour vote by signing a requisition to call out the militia.

Hon. Sir MACKENZIE BOWELL—That is only in labour centres.

Hon. Mr. McMULLEN—The safest thing is to give the warden or mayor power to take part in suppressing a riot, but in the event of their declining to act, empower any other magistrate to act.

Hon. Mr. POWER—There is this to be borne in mind with respect to the question, that it was considered at considerable length in the other chamber; and the decision arrived at there was that if the warden refused to act, then a judge was to be called in. After all the county or district court judge is as likely to be independent of the labour people as two or three justices of the peace would be. There is no reason why we should come in direct conflict with the other House in connection with a matter to which they have devoted special attention. If some

Hon. Mr. LANDRY.

such amendment as that suggested by the hon. Secretary of State is made further down in the section, it will have the desired result, that, is, if the warden does not act and if the judge does not act, then the three magistrates act.

Hon. Mr. McMULLEN—That will not suit my proposition. You have to go to the judge and go to the warden; that means delay. That does not improve it at all. I want the Bill amended to provide that if the warden or mayor refuses to act, any third justice can take his place and call out the militia. If you have to go to the mayor and warden and judge before calling on a justice of the peace, that involves delay.

Hon. Sir MACKENZIE BOWELL—I wish to take objection to the doctrine laid down by the Speaker. He has told the Senate that because the Lower House, who represent the very class of people to whom my hon. friend has called attention, has given a great deal of thought and attention to this clause, ergo we should not interfere with it. I have always understood that one of the functions of the Senate was to check the popular branch where we thought they were interfering with the rights of the people. That is supposed to be one of the advantages of a second chamber, that it is not amenable directly to the popular will, or to put it in another way, to the mob; and yet the hon. Speaker says that the Senate ought to accept the decisions of the House of Commons, because they represent this very class of people. We want to protect our people against such influence. One would think in reading the clause that it is so worded as to prevent the possibility of meeting those difficulties. The duty of the Senate is to correct this if they think the House of Commons is wrong, and not to pass it merely because the House of Commons has given great consideration to this matter. I do not see why the warden should be selected; he is living often in the centre of the county or at one end of it and he may be a long distance from the scene of the riot. If the government are wedded to this proposal there is no use in pressing an amendment.

Hon. Mr. EDWARDS—In so far as I am concerned, I decline to discuss this question