

control and which we had no hand in bringing about—yet there was a unanimous feeling of willingness to run all the hazards of war if war must come, rather than lose the connection between the Mother Country and these colonies.

In the same speech he said:

Instead of looking upon us as a merely dependent colony, England will have in us a friendly nation, a subordinate, but still a powerful people to stand by her in North America—

—not in Europe.

—in peace or in war.

These words are taken from the speech of Sir John A. Macdonald when introducing the Bill. The Militia Act of 1868 was passed under the same principle, and with the same idea in the minds of those who enacted it. Until a few days ago, I do not think that anybody who has studied the constitutional history of Canada ever expressed the opinion that her militia could be sent overseas by virtue of that Act. The debates that took place in 1868 showed that there was no intention to change the principle or the meaning of the section I am discussing. In considering the words "either with-in or without the Dominion" in a subsection we must not forget that Canada at that time included only the four provinces, Ontario, Quebec, New Brunswick and Nova Scotia, and it was important that the authorities should be empowered to send the militia outside of the area of those four provinces to protect and defend the British territory which forms to-day the other provinces of the Dominion.

I come now to the Militia Act of 1904. Surely this Act did not change or modify the principles which I have enunciated. The language of the section was made clearer by the insertion of the words "for the defence thereof." The right hon. Prime Minister quoted a few words from a speech by Sir Charles Fitzpatrick, then Minister of Justice. He took good care, it seems to me, not to cite the language of the father of the Act, the man responsible for the legislation, and who knew best what was the intention and aim of the Bill. Here is the language used by Sir Frederick Borden, then Minister of Militia:

Mr. Maclean: I would ask the minister if it is not the case that under the old section of the law as it now stands the militia of Canada could be used for the defence of the empire and sent out of this country for that purpose? But under the proposed law that is strictly prohibited.

Sir Frederick Borden: No. I am advised, and was advised at the time of the South African trouble, for instance, that under the law we could not do that.

Sir Sam Hughes: Could not do what?

[Mr. E. Lapointe.]

Sir Frederick Borden: That we could not send the militia to South Africa for service; under the law we were not able to do so. The present law has been changed, as I say, in conformity with that view and in sympathy with the idea which, as I said, controls the militia of the mother country and the militia of every one of the colonies of the Empire, where you will find precisely the same clause.

On August 1, 1904, in committee, he said:

Sir Frederick Borden: . . . The troops we sent to South Africa were not sent under the militia law at all. They were sent under a special arrangement; they went as volunteers. The same thing could be done at any time. It certainly would not be done under the militia, either as it was or as we propose to make it, because there is no essential difference. Notwithstanding the fact that my hon. friend from Colchester questions my possession of common sense, I still believe that the Act as we propose it is essentially the same in that respect as it was before, the object being to make clear the actual intention.

The very fundamental idea of a militia force always has been, and is now, home defence.

He said further:

Sir Frederick Borden: I am sure my hon. friend would not pretend to say that under the law as it is to-day the Government could send a corps of the militia upon foreign service.

Mr. Gourley: I have not the slightest doubt of it; you could send them anywhere.

Sir Frederick Borden: I am quite prepared to come to close quarters on that question and I am quite prepared to say that in so far as the militia are concerned I do not believe it is in the interests of the militia that a provision of that kind should be made.

Mr. Gourley: Why, every man in Canada wants to go.

Sir Frederick Borden: I do not think the hon. gentleman himself would seriously contemplate a proposition by which the Government would have authority to order the militia to serve a thousand miles away from Canada.

This is the language of the father of the Bill, the then Minister of Militia. The discussion continued:

Mr. Gourley: Why not? What are we here for?

Sir Frederick Borden: It is for the hon. gentleman to explain that.

Very sensible language. Sir Frederick Borden continued:

I do not think that any thoughtful man looking at the condition of things in this young country—

Mr. Gourley: Explain yourself. Tell me what you mean.

Sir Frederick Borden:—would seriously propose to enact a statute which would place in the hands of any Government the power of ordering out the militia to serve in distant parts of the world.

I repeat that until a few days ago nobody in this country thought that the Militia Act could be put in force except for purposes of home defence. The right hon. leader of the Opposition showed, by a cable-