

a riot occurs in the city of Toronto; there is no question whatever that under this Bill the permanent force would be called upon. But, if a riot occurred at Ottawa, hundreds of miles away from the permanent force, it seems to me that there can be no doubt in the minds of the civic authorities that they would call upon the active militia, or rather that the district officer in command would immediately utilize the active militia at Ottawa. I do not know how you could make the Bill more definite than that, because it might turn out, for instance in Toronto, for some reason or other, particularly during the time of the camp, that the permanent force would be absent and it would be absolutely necessary to call upon the active militia. If it were provided in the Bill that certain places such as Toronto, London, &c., should only be served in this matter by the permanent force, it might put these cities in a very awkward dilemma if the permanent force were absent.

Mr. TISDALE. There is no difficulty in the two cities the hon. minister speaks of, but suppose you take the case of a country town intermediate between these two places, it might be a question as to whether the permanent corps or the militia force should act, and yet the permanent corps might not be as near to the scene of the disturbance as the militia force. There are two difficulties which have to be met. You will find that the volunteer force will be very reluctant to perform this duty. I think something should be put into the section to make it clear that when the militia are ordered to turn out they must turn out; otherwise, you are going to have the same condition as exists in the United States. The question, when a riot occurs there, is as to whether the United States troops should go or whether the state militia should go, and the consequence is that the riot and bloodshed have taken place before the troops get there, because there is a reluctance to order the state militia out. The present law, whatever objections there may be in any other respect, is definite enough now. The magistrates have authority to order out any force necessary for suppressing a riot.

Mr. FITZPATRICK. There is no change in that respect.

Mr. TISDALE. In this clause you say that if the permanent force is available the militia force shall not be called upon. Under the present law you can order out either one of them. What I am looking to is the safety of the people because I agree with my hon. friend from Toronto (Mr. Clarke) that it is a very unpleasant duty for the militia to perform. The active militia is composed of volunteers, but, at the same time, one of the strongest reasons for the maintenance of an efficient militia

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force is that it is available for assisting the civil power in maintaining order when it is necessary, and there should be no shirking in the performance of this duty. While it is an unpleasant duty I want it well understood that when the members of this force are called upon they must go out. They should understand that it is no insult or disgrace to them. One of the most difficult duties that any class of soldiery can undertake is that of dealing with riots. It is a mighty poor soldier who will not fight, but when he has to go out and control himself under very aggravating circumstances, it calls for the exercise of great self-restraint; yet, this is a duty that the volunteer must perform. It is a duty that he owes to the people amongst whom he is sent to restore order and who more particularly will be injured by disorderly acts if the disturbance is not quickly suppressed.

Mr. FITZPATRICK. Under the law now authorizing the militia to act in aid of the civil power, the civil power must first determine as to the necessity for calling out the militia. There is no change in that respect in the Bill. The civil power will still continue to act, but when the civil power makes a requisition upon the military authorities, that requisition is forwarded to the district officer commanding or the senior officer of the active militia. Then there is a change in this respect, that when a requisition is made upon the senior officer commanding he must call upon the permanent force if the permanent force is available. It is only in the absence of the permanent corps, that it is possible for him to avail himself of the services of the active militia. The only change here is that the permanent corps must first be called upon. I understand the difficulty of my hon. friend (Mr. Tisdale) to be, that you leave it in the discretion of the district officer commanding to determine what is meant by the word 'available;' because the district officer commanding must determine whether at the time the permanent corps are available or not. Well, you must leave the discretion to be exercised by some one and surely that discretion should be vested in the district officer commanding to say whether the permanent corps is available, within the meaning of this section, and if it is available it is his duty to call upon them. He can only call upon the active militia in default of the permanent corps, but when the active militia is called upon, it is bound to respond under the new Bill as it was under the old.

Mr. CLARKE. I take stronger ground against this clause than is taken by my hon. friend (Mr. Tisdale). The practice has become too prevalent, of calling out the militia in the case of petty civic disturbances and it must be put an end to. I apprehend that if a riot takes place in the