

of the peace and the accused would not have much show. I should say at least two witnesses would be required.

Sir FREDERICK BORDEN. There may have been only one witness.

Mr. FITZPATRICK. Men have been found guilty of murder on the evidence of one witness, and one witness might be as good as a dozen.

Mr. SAM. HUGHES. At the same time an officer might think he was insulted and when a man would be brought up before one justice of the peace, the trial might be one-sided.

Sir FREDERICK BORDEN. You might have two justices of the peace.

Section 117 is the same as section 112 of the present law, except that the words 'made under the authority thereof' are omitted.

Section 118 is the same as section 113 of the present law.

Mr. SAM. HUGHES. There is no provision in this for the Territories. There are no counties in the Territories.

Sir FREDERICK BORDEN. I should make a note of that.

Section 120 is the same as section 115 of the present law.

On section 121.—Execution of warrants and sentences.

Sir FREDERICK BORDEN. Section 121 is new and deals with the execution of warrants and sentences. It is copied from the Commonwealth Defence Bill, section 115, and reads as follows :—

The governor, keeper or warden of every jail, prison or penitentiary in Canada, shall receive and detain, according to the exigency of any warrant under the hand of any district officer commanding, or other person authorized under the regulations to issue a warrant, any person mentioned in such warrant and delivered into his custody, and shall confine such prisoner until discharged or delivered over in due course of law; and every such governor, keeper or warden shall take cognizance of any warrant purporting to be signed by any such officer as aforesaid.

Section 122 is new and provides for special places of imprisonment.

Section 123 is similar to 116 of the present law, but the wording is more specific.

Section 124 is practically the same as section 117.

Section 125 is similar to section 126 of the present law.

Mr. R. L. BORDEN. The law at present requires also a report of the state of the militia to be laid on the table of parliament.

Mr. FITZPATRICK. The Act dealing with the organization of the department of militia compels the minister to lay a report on the table of the House.

On section 126,

Sir FREDERICK BORDEN. Section 126 is new and is as follows :—

For the purpose of legal proceedings, all moneys subscribed by or for, or otherwise appropriated to the use of, any corps, and all arms, ammunition, clothing, equipment, musical instruments, or other things belonging to, or used by, any corps, shall be deemed to be the property of the commanding officer of the corps; and no gift, sale or other alienation, or attempted alienation, of any such thing by any person shall be effectual to pass the property therein without the consent of the said commanding officer.

That is new and is copied from the Commonwealth Defence Bill. I think it is necessary.

Mr. SAM. HUGHES. I think it is a very proper thing.

Mr. R. L. BORDEN. Might it not be better to have the property referred to in this section regarded as being the property of the Crown for the purpose of legal proceedings. Why should you regard them as the property of the commanding officer? They are for the public service of the country.

Sir FREDERICK BORDEN. It is for the purpose of enabling the commanding officer to deal more easily with questions of theft or the collections of arms that may be issued by him.

Mr. R. L. BORDEN. What is the advantage of calling the arms, ammunition, equipment and clothing, which are really the property of the Crown, the property of the commanding officer, for the purpose of any legal proceedings? I do not see that there is any advantage in doing that? I cannot see that it would expedite or facilitate legal proceedings in any way. You are really departing, in respect of those articles, from the facts.

Mr. FITZPATRICK. The property might not be vested absolutely in the Crown. The commanding officer might give certain articles of equipment to the corps, for instance, the headgear or musical instruments, which would not be vested in His Majesty, but rather in the particular corps with which he is connected.

Mr. R. L. BORDEN. You might have the instruments provided for the purposes of the band, but in respect of nearly everything in section 126, you find it is the property of the Crown. It would be more fitting to call everything the property of the Crown than call all these articles, which are really the property of the Crown, the property of the commanding officer. It is only a matter of detail, which I hope the minister will look into.

Mr. FITZPATRICK. Yes, the commanding officer might die or become insolvent.