

Hon. Mr. SCOTT—If the hon. gentleman will wait until we get to the last paragraph, provision will be made for that.

The sub-clause was adopted.

On sub-clause 2,

2. Wherever under subsection 1 of this section a judge is designated as the civil authority by whom a requisition may be made, and there is no such judge, or the judge, or all the judges, who might have acted are absent, or unable to act, the requisition may be made by any judge or magistrate having jurisdiction at the place where such riot or disturbance occurs or is anticipated, who may do alone whatever is authorized by 'The Criminal Code,' 1892, to be done by any two or more justices of the peace.

Hon. Sir MACKENZIE BOWELL—There are certain localities where riots are very likely to occur, particularly on railway, construction and public works where it is almost impossible to reach a judge.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—In case of failing to find the other two, one might have to travel hundreds of miles to get the necessary signatures.

Hon. Mr. SCOTT—It is proposed to add to subsection 2 the following words:

And if there is no such judge, or the judge or all the judges who might have acted are absent or unable to act, a requisition may be made by any judge or magistrate having jurisdiction where such riot or disturbance occurs or is anticipated, acting with two justices of the peace, and if there is no such judge or magistrate residing and being in or at such place and unable to act, any three justices of the peace having jurisdiction therein.

Hon. Mr. McMULLEN—Will that cover the point where the mayor or warden declines to act, that the three justices of the peace can act?

Hon. Mr. KERR (Toronto)—There are many parts of the country where you could not get three justices of the peace.

Hon. Mr. EDWARDS—In Ontario the only resident judge is the county judge. The other judges are all centralized at one portion of the province, and in many instances are hundreds of miles away. The judge's residence is always the same—that is the weak point.

Hon. Sir MACKENZIE BOWELL—And three magistrates could not be got in any new part of the country?

Hon. Mr. McMULLEN—As long as the law plainly sets out that in case the warden or mayor declines to act in the premises any other third justice can take his place and sign the requisition to call out the militia, that will suit; but, as the leader of the opposition says, in some cases the judge lives many miles away from the scene of the riot. In parts of the county of Grey, the judge lives 75 miles from where a strike might take place. In the town where I live, he is 43 miles away. It might take a day to find him and get the application signed, and another day to get back, and all that time the riot might be in progress and people terrorized and probably injured. When an incident of that kind occurs, any resident justice of the peace, or two or three of them, should have the power to call out the militia.

Hon. Sir MACKENZIE BOWELL—What the hon. gentleman says is quite correct. The county in which I live extends 125 miles north from the Bay of Quinté. But the senior and junior judge live at Belleville; that shows the difficulty there. Then the warden lived 75 miles north of the front of the county and there would be just as much difficulty in reaching him. There is no locality that I know of where you would get three magistrates together except in the centre of population. Back where the Canada Central Railway is, the one that is being extended from a place called Bancroft, 75 miles north of Belleville to connect with the Canada Atlantic Railway, 25 or 30 miles still further north, where would you get three magistrates? All the damage may be done while you are searching for the right men to sign a requisition. I think if you make that two magistrates you would accomplish the object we have in view.

Hon. Mr. DANDURAND—I doubt very much if there is any danger in leaving to the mayor a certain share of responsibility.

Hon. Mr. McMULLEN—If he chooses to exercise this function.

Hon. Mr. DANDURAND—There is always sufficient public opinion to bear upon him in such emergencies to act if there is any danger to property.

Hon. Mr. LANDRY—But the law provides for two cases, where it is a municipal