

necessary to send troops to assist the Empire at distant points, we always have the means at hand of doing so. Parliament can be called and a special force organized.

I believe that Sir Charles Fitzpatrick, then Mr. Fitzpatrick, was Minister of Justice at that time. He was afterwards appointed by the late Administration to the position of Chief Justice of the Supreme Court of Canada. If my right hon. friend had such confidence in the ability of Sir Charles Fitzpatrick as to appoint him to the position of Chief Justice of the Supreme Court of Canada, he should be willing to accept the opinion of that gentleman as to the constitutionality of this Act and as to our power to send troops out of Canada for the defence of our country. This is what Sir Charles Fitzpatrick said at that time:

The Governor in Council may send the militia of Canada out of Canada at any time when deemed necessary for the defence of Canada. If, in the opinion of the Governor in Council it should be necessary, because of a war going on in India, to send militia out there for the defence of Canada, they may, in the exercise of their discretion, do it, because they are the sole judges of what is necessary to be done in the defence of Canada.

The then Minister of Justice said that the Governor in Council were the sole judges of where troops should be sent in the defence of Canada; they might send them out of Canada as far, he said, as India. Then he went on to say:

But we do not think it advisable that that power should be absolutely and unrestrictedly in the hands of the Governor in Council. We think it advisable that the period during which they may exercise that power should be restricted and that Parliament should be called together and be consulted at the earliest opportunity. Parliament must be summoned in 15 days and then the whole matter will be in the hands of the people's representatives.

Is that not quite clear? The whole matter would then be in the hands of the people's representatives, whereas for the first 15 days it would be absolutely in the hands of the Governor in Council.

Mr. Bourassa and Mr. Lavergne, then loyal followers of the then Prime Minister (Sir Wilfrid Laurier) were in the House on that occasion and took part in the discussion. Upon the particular clause in question Mr. Bourassa expressed himself as follows:

I admit that an emergency may arise when the Government should have the power to call out the militia immediately. I do not dispute that; but suppose an occasion should arise on which Canada should be called upon to organize its militia and send a large portion of it outside of Canada when in the judgment of a large number of the people and the Parliament of Canada, it would be to the disadvantage

[Mr. Middlebro.]

of the country to have so large a number of troops sent out. Parliament should be the final judge of that question, and the Government should call Parliament to deal with that matter.

Later he said:

Before we proceed to another clause—

They were at that time dealing with the clause respecting the right to send the militia out of Canada.

—I wish to say that if there is to be a new clause making it obligatory on the Government to call Parliament within a fixed date, after having made use of the power granted under clause 77, then I shall not propose any amendment. But if there be such a new clause, I wish it to be distinctly understood that I shall be at liberty to move some amendment to this clause.

In accordance with the views of Mr. Bourassa, a clause was added making it obligatory for Parliament to meet within 15 days. As Mr. Bourassa said, Parliament would then be supreme.

Mr. Lavergne was in the House at that time, and interjected some remarks. He was present when Mr. Bourassa made his speech, and he made no objection to the doctrine and the principles there enunciated and laid down by Mr. Bourassa: that Parliament was supreme in this matter, and that we had the right to send troops outside of Canada for the defence of Canada. That is the position he took in 1904, when he was a member of the House and a supporter of Sir Wilfrid Laurier.

War was declared on the 4th of August, 1914. Parliament was summoned within 15 days, namely, on the 18th day of August. Between the 4th and the 18th the Governor in Council had authorized the raising of troops for service abroad, and in the August session of 1914 this action was unanimously ratified by Parliament. There can be no doubt, therefore, that according to the principles announced by Sir Frederick Borden, Sir Charles Fitzpatrick and Mr. Bourassa, the Canadian Expeditionary Force is abroad to-day by reason of authority contained in the statutes of the Dominion of Canada. These gentlemen all recognized that the defence of Canada might necessarily take place abroad. Will any man in this House say that our first and most effective lines of defence to-day are not those in Flanders and France? If our soldiers are pushed back from Flanders and France they will ultimately be on the banks of the St. Lawrence. Is it not better to make our fight effective in France and Flanders and to be successful there in order that we shall have no need of trenches in Canada? In this