

ing three magistrates understand that the other authorities have refused, they will refuse also, then where are you?

Hon. Mr. DANDURAND—The hon. gentleman would not give any discretion to those magistrates.

Hon. Mr. MITCHELL—I do not believe that a magistrate should have anything whatever to do with calling out the militia to be paid for by the municipality. I think the mayors should have that responsibility. They should be depended upon and should act for the people in the municipality, and not justices of the peace appointed by the local government.

Hon. Mr. McMULLEN—That is very true, but how can you get them to act?

Hon. Mr. DAVID—The law was good as it was. There is always a warden of the municipality who is responsible.

Hon. Mr. SCOTT—The amendment reads as follows:—

Acting with two justices of the peace, and if there is no such judge or magistrate presiding and being in or at such place and able to act, any three justices of the peace having jurisdiction there.

The amendment was adopted.

Hon. Mr. POWER—I propose to insert after the words, 'Unable to act' in line 33, the words 'Or not to be found within ten miles'.

Hon. Mr. SCOTT—No, I object to that.

Hon. Mr. POWER—I think it is desirable to make clear when you can call upon those inferior officers. That is substantially the amendment suggested by the hon. gentleman from de Salaberry. The judge may be at the other end of the county, but he is absent anyway. His home is at the other end of the county. Supposing a riot took place in the eastern end of the county of Halifax, the county judge resides at the city, and the riot may take place a hundred miles away, at a place to be reached only by water or over a coach road, and if you wanted to appeal to the three justices of the peace, you could not claim that the judge was absent or unable to act. He is at home and able to act. It is desirable then that there should be something of this kind.

Hon. Mr. SULLIVAN.

Hon. Mr. FORGET—What will bring on a strike at such a place? There is nobody living there.

Hon. Mr. POWER—There might be a strike, although I do not say that there is likely to be one. We have a mayor who resides in the city, and we have a warden who resides in a part of the county remote from the place where I have supposed the riot to be taking place. You cannot get at that warden, because you would have to travel thirty miles by coach to reach him and I think the amendment of the hon. gentleman from de Salaberry is a very necessary one to provide that when the officer whom you might go to is too far away, beyond a certain reasonable limit, you can call upon justices of the peace.

Hon. Mr. SCOTT—I think we are constructing imaginary possibilities. I am not aware that in the past any difficulty has arisen in finding proper authority to sign requisitions. Those riots do not occur in remote rural places. If they are likely to occur, the provincial authorities will necessarily have stipendiary magistrates there to look after the peace. The railways will see that they will have magistrates at hand in the event of having trouble. These possibilities are distant and remote. We are losing a great deal of valuable time by creating obstacles that will not arise.

Hon. Mr. BEIQUE—Although I am of opinion that my amendment would be in the right direction I call attention to this fact, we are dealing with an important measure at the end of the session, and it would be well not to introduce by way of amendments matters which may lead up to a great deal of discussion in the other House, and pass the Bill as it is, and next session it can be amended. I thought of suggesting other minor amendments, but as they are not of serious importance I thought the best course was to defer the matter until next session, when we could perfect the Act.

Hon. Mr. McMULLEN—I am quite willing to accept the amendment of the hon. Secretary of State under the circumstances. It has been considered by the Department of Justice and I am willing to accept it.