we universally know it bears when speaking of the executive government and authority of and over Canada? How is that command in chief of the naval forces or that executive government and authority of and over Canada, which is declared by the British North America Act to be vested in the Queen, to be exercised in this country? The first preamble to the statute throws a great deal of light upon it. The provinces of Canada are to be federally united. How? With a constitution similar in principle to that of the United Kingdom, and whatever parliamentary restrictions there are in the United Kingdom, or whatever restrictions the parliament of the United Kingdom itself has power to impose upon the royal prerogative, such restrictions exactly, I maintain, this parliament, as representing the people of Canada, has power similarly to impose within Canada. Just as, according to the constitution of the United Kingdom, the control of the naval forces is subject to parliamentary authority, is something in regard to which the minister of the Crown is responsible, so it is to be in this country, and the circumstance that by section 15 the command in chief continues vested in the Queen, does not, in my submission, prevent at all the administration of that force and the control and regulation of it being exercised by this parliament and by this government of Canada.

It is not a new field of legislation that we are entering upon. I think that is an important circumstance always to be borne in mind. This proposed legislation repeals our existing naval law. By section 53 of the Bill, chap. 41 of the Revised Statutes of 1886 is repealed in so far as it concerns the active and reserve militia marine forces. That statute has never been repealed, it is still in force and it contains legislation on this very subject which has been upon the Canadian statute-book for years, which has never been disallowed or animadverted upon the imperial government It invited disallowance quite as much as this Bill would if there was any encroachment upon the authority of Her Majesty in Council, or of the imperial government or upon the royal prerogative. Section 3 of the Act as it stood in 1886 provided:

> The command in chief of the land and naval militia, and of all military and naval forces, of and in Canada, is vested in the Queen

How is it to be exercised?

> And shall be exercised and administered by Her Majesty personally or by the Governor General as her representative.

In 1868, when our Militia and Defence Act was passed, the provision was, by section 1:

> As provided by the 15th section of the British North America Act, 1867, the command in chief of the land and naval militia and of all naval and military forces of and in Canada, is vested in the Queen, and shall be exercised and administered by Her Majesty personally or by the Governor General as her representative.

That enactment, put before the imperial authorities over 40 years ago, has never, to my knowledge, been so much as commented upon; it certainly has never been disallowed, and has never been viewed by the imperial authorities with any alarm or as constituting any encroachment upon the royal prerogative or upon imperial rights.

We are certainly not going any further in the present legislation. The Act of 1868, repeated as it was in the consolidation of 1886, makes substantial provision for something in the way of naval forces in Canada. By section 12 the militia is divided into land forces and marine forces. The marine forces may be active or reserve militia marine, which is to be raised by enlistment or ballot, and which is to be composed of seamen, sailors and persons whose usual occupation is upon any steam or sailing craft navigating the waters of Canada. Our present Militia Act has repealed the land sections of this legislation, but left untouched the sections with regard to the naval forces or the militia marine, and it is those provisions which it is now proposed to repeal by section 53 of the present Bill, because something else is substituted for that which previously appeared. The provisions of section 15 of the British North America Act were, I think, as much encroached upon by this previous legislation as by anything in the present Bill, but I think that there was no encroachment at all because if we remember the position of the royal prerogative, as it has been declared by the highest authority to be at the present time, I think we will see what the meaning of the phrase is and what the full effect of section 15 of the British North America Act may be declared to be. The subject was considered, incidentally, it may be, but a very important pronouncement in regard to it was made by the Judicial Commitee of the Privy Council in England in the case of the liquidators of the Maritime Bank of Canada against the Receiver General of New Brunswick to be found in the appeal cases of 1892. At page 443 Lord Watson discusses incidentally this very subject, and I want to read a sentence or two from what he said. But to explain first how the question came up, let me say that the province was claiming certain moneys as a royal prerogative. It was a creditor of the bank which was in liquidation, and it claimed the right in priority to other creditors upon the ground that it represented the royal prerogative, and was entitled to the same rights in that regard as