

Mr. SAM. HUGHES. Is not section 85 a relic of pre-historic days? Why is it necessary to have either 85 or 86?

Sir FREDERICK BORDEN. I do not think they do any harm.

Mr. SAM. HUGHES. I would suggest the insertion after the word 'females,' in line 3 of section 86, of the words 'and children.' What is referred to there is very clear and it is necessarily guarded, but why should a farmer's wife, if the farmer should be off fighting at the front, be liable to have troops billeted at her house any more than any one else?

Sir FREDERICK BORDEN. Then we come to transport. Section 88 of the present law seems to have been divided into sections 85 and 87 of the new Bill. The present law says that:

The Governor in Council may make regulations for the billeting and cantoning of troops and militia when on active service, for the furnishing of carriages, horses and other conveyance for their transport and use, and for adequate compensation therefor.

These words are made the subject of section 87 of the new Bill, giving power to the Governor in Council to make regulations in reference to transport. Section 88 of the new Bill is the same as section 89 of the present law with a slight modification. Section 89 is copied from the British law. Section 90 is new, copied also from the English Regulations of the Forces Act, 1871, Part iv, section 16.

Mr. SAM. HUGHES. Why not also take control of steamship lines?

Sir FREDERICK BORDEN. Evidently that was not done in the law from which this was copied, but in view of our inland navigation it might be very proper in Canada. It is a good suggestion.

Sections 91, 92 and 93 are taken from the same source. Section 94 is the same as section 91 of the present Act, except that these words are omitted:

But no officer of His Majesty's regular army on full pay shall sit on any such court martial

Section 95 is the same as section 92; section 96 is the same as subsection 2 of section 92 of the present law; section 97 is the same as subsection 3 of section 92 of the present law; section 98 is the same as section 93 of the present law, except that certain words are omitted. It is proposed to amend this draft Bill now before the committee, by inserting after the words 'court martial'; the words 'except on active service.' The reason for inserting these words is obvious; in time of war the decision would be delayed and the Governor in Council would have his hands full. Section 99 is the same as section 94 of the present law except that wherever the phrase 'commanding a corps of militia' occurs it is omitted and at the end the

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words are omitted, 'and shall also be liable to be tried and punished by court martial.' Sections 100 and 101 are the same as section 95 of the present law slightly modified. Section 102 is the same as section 96 of the present law; section 103 is practically the same as the present section 97; section 104 is the same as the present section 98; section 105 is the same as section 99, of the present law; section 106 is the same as section 100 with slight verbal changes; section 107 is the same as section 101, slightly modified; section 108 is precisely the same as section 102 of the present law; section 109 is similar to 103 of the present law; section 110 is similar to 104 of the present law, except that the amount of the fine is reduced.

Mr. SAM. HUGHES. It appears to me that that would bring a man under the control of an officer when he is not subject to military law, and that should not be the case.

Sir FREDERICK BORDEN. It is the same as the present law.

Section 111 is the same as 105 of the present law; section 112 is exactly the same as 106 of the present law; section 113 is the same as section 107 except for the words:

If an officer, not exceeding \$100, and, if a man of the militia—

Mr. SAM. HUGHES. Returning to clause 110, it is apparently taken from the British army regulations which deal with regulars continuously in service.

Sir FREDERICK BORDEN. It is precisely the same.

Mr. SAM. HUGHES. I suppose it was all copied from an old book of the Duke of Marlborough's time. I am anxious to guard the liberty of the individual as far as possible. Years ago these regulations were drawn up for men who were altogether soldiers. A member of the militia to-day is a member of the militia when on active service or when at home on his farm, and under this section a man is brought under this clause whether on service or not.

Sir FREDERICK BORDEN. Will my hon. friend draft a clause and send it to me. Section 114 is the same as section 108 of the present Act.

Section 109 will be omitted because it is covered already by the Criminal Code of 1892, section 75.

Section 115 is the same as section 110 of the existing law, and section 116 is the same as 111.

Mr. SAM. HUGHES. Has the hon. minister noticed that under this section he may be convicting some poor unfortunate fellow on the evidence of one witness, and before one justice of the peace? I do not know why that is, and I can conceive of cases where witnesses would go before one justice