

000 from hundreds of thousands who would be liable for service, under the law as it stands on the statutes to-day. The hon. member for Cape Breton said:

There is no question whatever that the people are behind us in whatever we do to bring this war to a successful conclusion. There is no hurry.

If the people are behind us in whatever we do to carry this war to a successful conclusion, what is the use of a referendum?

Those are his own words. I submit the whole argument my hon. friend attempted to deduce this afternoon in favour of a referendum to the people has been cut from under his feet by his own very words. The hon. member further said:

If this Act is not new law, what is the use of introducing it?

Again my hon. friend has failed to grasp that practically the only object in introducing the present Bill was not to say that certain men should be liable for military service who were not before liable but it was to say that only the men of those classes specified should be liable for military service, and if we had these provisions giving power to make selection, in the old Act, no doubt the present Act would not have been introduced. But, that would not get us away from the fact that under the existing law the man power of Canada would be subject to conscription, if we may use that term, or to compulsion, just the same as under the present Bill.

Let me say a word or two with reference to the marks made by my hon. friend from Rouville (Mr. Lemieux). I feel almost like apologizing to the House for attempting to controvert his contention. Notwithstanding all that has been said in this House, he seems to be of the opinion still, that there is no constitutional right or authority in Parliament to pass the Bill now before us. If that is the kind of doctrine he is preaching to the people of Quebec, I can easily understand why the people of that province have the opinion which they appear to have on this question to-day, and it is unfortunate that these people should be led to believe that what we are attempting to do in this House to-day is unconstitutional unless the question is first submitted to them. Perhaps the House will excuse me, if I, briefly, place my views before the House on the constitutionality of this question.

By the Revised Statutes of Canada, chapter 41, it is provided that "His Majesty may call out the militia, or any part thereof, for active service, either within or without Canada, at any time when it appears advis-

able to do so, by reason of war, invasion or insurrection, or danger of either, and the militiamen, when so called out for active service, shall continue to serve for at least one year from the date of their being called out for active service, if required to do so, or for any period longer than His Majesty appoints."

If we read the English language and take the ordinarily accepted meaning of words, then there is no doubt that the militia of Canada may be called out for active service either within or without Canada at any time under the above section, and under that Act "militia" is declared to include all male inhabitants 18 years old and under 60, and that all male inhabitants capable of bearing arms may be called out in case of a *levee en masse*.

It is a peculiar thing that by the Militia Act of 1904, while the words "for the defence of Canada" were added by the Laurier Administration, upon being questioned in the House as to whether or not the addition of those words made any difference in the meaning of the then existing Act, as to the rights or powers of the Government to call out the militia for service outside of Canada, it was admitted by the then Minister of Militia (Sir Frederick Borden), notwithstanding what my hon. friend from Rouville said the other day, that it made no change whatever in the law or the policy of the old Act. The Act, as then changed, reads as follows:

The Governor in Council may place the militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada for the defence thereof at any time when it appears advisable so to do by reason of any emergency.

The words "for the defence thereof" were added.

So that if what we are doing can be in any way construed as being for the defence of Canada, no hon. gentleman in this House has the right to say that we have not absolute authority to call out the militia of Canada for service in the Canadian Expeditionary Force abroad.

As to the interpretation of the words "for the defence of Canada," Sir Frederick Borden, as reported on page 6492 of Hansard, 1904, said that the insertion of these words constituted no change of policy. He said:

There has been no change in policy. It seems to me that we have made clear in this section exactly what is understood as the object of a militia force in every country. In the mother country, and in every province of this Dominion prior to Confederation, this has been the rule. We are always able to meet times of stress and emergency. If it becomes