

4. *COMPULSORY MILITARY SERVICE REQUIREMENT AFFECTING FOREIGN NATIONALS DOMICILED IN CANADA, STATEMENT OF PRIME MINISTER, MAY 1, 1941.*

Mr. COLDWELL asked the following questions:

1. Has any non-British country the right and power to enforce within Canada, acts, decrees, regulations, etc., made or issued by the said non-British government, ordering its nationals domiciled in Canada to undertake compulsory service in the armed forces of the said government?

2. If so, under what authority?

Rt. Hon. W. L. MACKENZIE KING: I should like to say just a word in regard to this question, to point out to the hon. gentleman who has asked it that the question really solicits a legal opinion. If we were to hold strictly to the rules and not establish a precedent which might be very embarrassing I think I would have to ask him to allow me to decline to answer the question. Questions on the order paper are for the purpose of eliciting facts, but not legal opinions or expressions of opinion with respect to theories or other matters. However this is a subject of general interest, and I believe it might be advisable on the whole to clarify what seems to be a matter of doubt in the minds of some. Therefore I shall give an answer. I should like it to be understood however that it must not be cited hereafter as a precedent for giving legal opinions. The answer to the question is as follows:

No non-British country has the right and power to enforce within Canada acts, decrees, regulations, et cetera, made or issued by its government, ordering its nationals domiciled in Canada to undertake compulsory service in its armed forces.

A foreign government, which has a legal system imposing compulsory military service on its nationals abroad, can, under existing international practice, provide for calling them up. Its representatives can bring the call to the attention of the nationals. They cannot exercise any compulsion within Canada in order to induce them to respond to the call.

The national of the foreign government can refuse to respond to the call, without incurring any penalties within this country. On the other hand he will not be able to embark on a ship flying the flag of his home country or enter its territories without subjecting himself to prosecution in his own country.

Under the Foreign Forces Order 1941, the forces of certain allied countries are enabled to maintain their own discipline and internal administration. For such purposes, they can arrest members of their own forces within this country and can call upon Canadian civilian and military police to assist them in maintaining their own discipline. The provisions