

Mr. CLARKE. That is the position I took, and I maintain it still. I say that in case of riot, if the aid of the military authorities is invoked, those authorities should have something to say as to when the services of the troops should be dispensed with. I think it is anomalous that persons who have had no experience in these matters should have the right to call out the troops whether their services are really required or not, and that the same person should have the right to say that the troops are no longer required—perhaps because these civil authorities have had an opportunity to consult the opinion of their constituents, and have found it averse to continuing the services of the militia. If more discretion were given the commanding officer of the troops in calling them out or withdrawing them, there would be less likelihood of the local or municipal authority being led away by the sentiments which might prevail among the majority of the people at the time. I agree with the Minister of Justice that there are occasions when, no matter what the local opinion may be, the services of troops may be required to protect the public interests. But I think in the condition of the law at present there is too much power given, on the one hand to the civil authority, and too little power given to the military authority. It is because of those anomalies that I have drawn the attention of the minister to them, and to what I consider defects in the law which I think ought to be remedied.

Mr. TISDALE. We must be very cautious in making legislation dealing with these matters. We do not want to confound the municipal and the military authorities. It would be going too far to say that the military authorities should turn out the troops whenever they pleased. We must be careful to keep the military power in check, and make it, so far as consistent with public safety, secondary to the civil power, otherwise there would be danger to our institutions. That is the principle upon which our legislation has gone, and it should be continued, in my opinion. That is the principle which has prevailed for ages in the mother country, and it has been found to work promptly and effectively. It is well that lawless elements should understand that there is a power behind the civil power strong enough to make them obey the law. The trouble in the United States is that it is an elective machinery that controls the militia. The militia of the states are the forces called upon to suppress riots, and they are under the command of the governor, who is elected by the people. The military authorities of the United States can only act when the country is in danger from foreign enemies. The beauty of our system is that no politician, be he municipal or parliamentary, has any voice in starting or stopping the machinery of the militia force, and, in my opinion that is the only safe and

Mr. FITZPATRICK.

proper system to allow. Though I have been for many years connected with the militia, and am still connected with it in a way, still I should resist by all means in my power the slightest interference with the civil authority on the part of the military authority. We want it well understood that the military power exists for only one purpose, or two purposes, namely, for the defence of the country and the protection of our civil rights.

Sir FREDERICK BORDEN. In answer to the hon. member for Toronto (Mr. Clarke), I may say that it seems to me clear that if we condemn the municipality to seek the aid of the militia and to pay for that aid, we must give them the right to say when they will dispense with that aid. I cannot very well see how you can delegate to the officer commanding, the power to maintain the troops in service under pay, in defiance of the wishes of the authority which has invoked their aid and who is responsible for their pay.

Coming now to clause 41, that is the same as section 37 of the present Act, amended in 1898, omitting the restriction as to the imperial officer. That is one of the important clauses, as it opens the door to the appointment of an officer of the Canadian militia, or in fact the appointment of any officer within the British empire. As I have stated before this afternoon, we obtained the consent of the imperial authorities to this change.

Mr. CLARKE. Was there any general complaint made by the militia authorities, by the officers and men of the militia corps of Canada, that the general officer commanding, who hitherto has been a British officer, did not discharge his duties satisfactorily? Has there been any good reason advanced why the scope of the selection should be enlarged?

Sir FREDERICK BORDEN. I think the question should rather be put the other way: Is there any good reason why a country like this, with six millions of independent people, capable of governing themselves in every respect, should not be permitted to place at the head of its defence forces an officer of its own force? It seems to me there is absolutely no good reason why that door should not be open, giving us a wider choice, or why that invidious reflection upon the capacity of Canadian officers should remain any longer in our statutes.

Mr. CLARKE. Has there been any complaint made as to the efficiency of the general officers commanding hitherto, any objections made by the officers and men of the militia force? Is there any record available of any discussion of this matter to show that these distinguished officers who have been appointed from time to time have not discharged their duties satisfactorily?