

on the chief magistrate to sign the requisition.

Hon. Mr. POWER—The amendment of the hon. gentleman from de Salaberry is a very desirable one, because it removes any doubt. As the clause is framed now, there might be some doubt as to whether you have to go to the mayor or warden or judge, no matter how far away his residence might be, and I think it is very desirable that an amendment such as proposed by the hon. gentleman from de Salaberry should be adopted, so as to provide that if a riot takes place where there was no mayor or judge living in the immediate neighbourhood, then resort could be had to a justice of the peace, and I hope the committee will adopt that amendment and deal with the amendment of the hon. Secretary of State later.

Hon. Mr. BEIQUE—I would like to change the suggestion I made. Instead of making the amendment where I suggested in line 33, I would leave the sub-paragraph as it is, and add at the end of the paragraph the following :—

And in case none of the above authorities are to be found within ten miles of the place where the riot or disturbance occurs, or is anticipated, the requisition may be signed by three justices of the peace.

Hon. Mr. MITCHELL—I believe that the amendment which has just been moved will mix up the Bill too much. It says 'If they cannot be found'. It will result in lawsuits. People will get magistrates in the country to call out the militia. I think you might better have a Bill that would be explicit and not leave it open to all kinds of misunderstandings. This Bill says 'if they cannot be found'. I might say I cannot find them. I might get the militia out for a corporation. It is the corporation that generally calls out the militia, and not the union. If I were a magistrate and I wanted to get the militia out to shoot, I would not look very hard for the mayor or warden, and I would run the risk afterwards of proving he was not within ten miles.

Hon. Mr. SCOTT—I may say that in the last alternative I read to the House, provision was made for the three justices of the peace. It will come in at the very end. Subsection 4 reads, as follows :—

4. Where the requisition is made by justices of the peace, any statement of the fact therein contained shall not be open to dispute by the officer upon whom the requisition is made.

When a requisition is made by a judge or magistrate having the power—that is in certain districts in Quebec, for instance, where there are judges who, like our stipendiary magistrates, having the power of two justices of the peace, acting with two justices—or by three justices of the peace—That is the last alternative. One of those amendments makes provision for a final appeal, if all the other provisions fail, to three justices of the peace. Those amendments I have suggested here have had the advantage of being prepared in the Department of Justice, where a great deal of thought has been given to the subject, and, therefore, if any amendments are to be made they cover it and might perhaps relieve us from some of the responsibility in accepting their amendments.

Hon. Mr. POWER—I think it is to be regretted that the hon. gentleman from de Salaberry did not adhere to his original intention of putting the amendment in, so as to show that this last amendment should be resorted to when the judge or warden was more than ten miles away. I think the amendment of the hon. Secretary of State is a proper one, but there should be something to make clear the meaning of the earlier paragraph.

Hon. Mr. McMULLEN—The trouble with the amendment of the hon. Secretary of State is simply that you have to go through all the operation of applying first to two justices of the peace and the mayor. If the mayor won't sign you have to go to the warden, and if he won't sign it you have to go to the county judge, and you have to apply to the junior judge, and then you have to go to the third justice of the peace after that, and when you go to that man, he says he does not know anything about the law. You will read over the law, and he will say 'The warden and mayor should sign, and then the county judge'. If they have all refused he will say 'I do not know that I will sign'.

Hon. Mr. SULLIVAN—The hon. gentleman's plan would not get over it. The proper way is to make it compulsory on somebody, the mayor or the judge. Suppos-