

ments we should suggest some way of relieving the officer of this unwelcome, unsought and unfair consequence of doing his duty. I would suggest that the government should sue, or some official of the Militia Department—so as to centralize it. Surely it is hard enough for the soldiers to be called out on this duty, especially considering the insults which my hon. friend from North Victoria speaks of—and what he says is undoubtedly true, that the soldier must submit to these insults and not resist—without being compelled to depend upon the municipality for their pay. I hope the minister will consider the matter and prepare a remedy.

Mr. FITZPATRICK. I think it would be proper to take the suggestion made by the leader of the opposition with regard to the manner in which the suit should be brought, but I fear there might be some difficulty in substituting another official. However, these are things to be considered, and will require to be considered before we can give an answer.

Mr. R. L. BORDEN. I should be inclined to think that the men should be paid by the government at once. In the past, there has been a great deal of delay. And I know of cases in my own experience. The government is authorized to pay, but not obliged to do so. I think the statute should be made to provide that the government shall pay at once and collect from the municipality. If there is delay, the men should not suffer for it. I have known them to remain without their pay for two or three years because litigation was going on.

Sir FREDERICK BORDEN. Of late, it has been the custom to pay almost immediately. There was some delay in the case of the city of Montreal which could not be avoided. It was the desire of the government to pay the bills at once, but owing to the delay in forwarding the accounts we were unable to do so.

Mr. CLARKE. Who is to determine what the amount of the account is to be, the municipality or the military authority?

Sir FREDERICK BORDEN. The military authority sends in the account.

Mr. CLARKE. But who is to determine whether it is right or not? I notice that in one case that we have had recently before us, when the municipal authorities served the usual request, the militia were called out; but when it was suggested by the municipality that the militia should be withdrawn the officer commanding the militia, who ought to be a competent judge of the circumstances, kept the militia there. But, his advice or recommendation was overruled, so far as payment was concerned. What position does the military authority occupy under such conditions as this?

Sir FREDERICK BORDEN. The question was before the Department of Justice,

and it was decided there that the same authority which called out the militia was competent to dispense with its services, and that the officer commanding, when he was so called upon to withdraw the troops, should have done so, perhaps. But, in any case, as the law was, the municipality were not liable beyond the days for which it required the troops and during which they agreed that the troops should serve.

Mr. CLARKE. Are the municipal authorities, then, to be the judges as to whether or not a state of riot exists, and when that state of riot ceases?

Mr. FITZPATRICK. Yes.

Mr. CLARKE. And the military have nothing to do with it?

Mr. FITZPATRICK. No.

Mr. CLARKE. So that men who have had no experience in handling men or putting down mobs have nothing to say under the circumstances, but the justices of the peace who invoked the aid of the militia can say when the time has come to dispense with the services of the militia? The officer commanding has nothing to say as to when the troops should be withdrawn?

Mr. FITZPATRICK. Clearly.

Mr. CLARKE. Surely that is not satisfactory?

Mr. FITZPATRICK. The militia only come to the aid of the civil authorities, and they have nothing to do with it except support the civil authority. My hon. friend (Mr. Clarke) should take one horn of the dilemma or the other. A little while ago he desired that the civil authorities should have control, that the mayor should determine when the militia are to be called out. If we wished to put the burden on the mayor, surely the mayor should have power to say when the militia should be removed. For my part I am not disposed to agree that this power should be left absolutely to the municipality. I think there are occasions when large public interests may be jeopardized, and it may be important in the public interest, without regard to the municipality and without regard to the mayor, that the militia should be called out. It may be that the mayor, for his own purposes, may not be anxious to call on the militia authorities. For instance, it may be that he does not wish to burden the municipality, and so may hesitate to act. There is no reason why three justices of the peace should not act.

Mr. CLARKE. I am sure the hon. gentleman, Mr. Fitzpatrick would not wish to misrepresent anything I said here. I was rather chary about the right of the civil authority—these two justices of the peace—to call out the permanent force without the district officer commanding the permanent force having some discretion.

Mr. FITZPATRICK. That is right.