

are so many alternative propositions that are not likely to be exhausted.

Hon. Mr. McMULLEN—I am quite willing to leave the clause as it was in the old Act; that is that the reeve, mayor, or warden may be one of the judges, but in this case he must be, and, if he refuses, no other magistrate can do it and you have then to go to the warden, and if he declines to act you have to go to the judge. Let me give you what will be the result, in the county in which I live. Supposing that a riot takes place in the town where I live, it is forty-three miles from the county town and the warden lives fifty-two miles from the county town, away in the south-east corner of the county. He may or may not refuse to act. The probabilities are that he will not act. He would say 'If I sign that requisition, all the labour in the town will be against me. It is not necessary that I should do it.' You may go to the warden and he will say 'show me the statute,' and when he reads the statute he will say 'The mayor of your own town can do it, and why should your own mayor not do it? Why do you come fifty-two miles to get me to do it?' And he declines to sign the requisition. Then you go to one of the judges and say to him 'I want you to call out the militia.' And he will ask 'what for?' And you will say 'a riot in Mount Forest and we want the militia.' He will say 'Why does your mayor not sign it?' You will say 'He did not want to sign it.' He will ask you 'What does the statute say.' The statute says that if the mayor and warden refuse to do the junior judge.

Hon. Mr. SCOTT—There is never a case of that kind. The judge acts at once.

Hon. Mr. McMULLEN—No, no. If you go to the junior judge, he will ask 'Why do you not go to the senior judge?' You say 'We were to him, and he sent us to you and says that it is better that the senior judge should act,' and they keep the deputation dancing back and forward between the junior and the senior judge—

Hon. Mr. DANDURAND—Does the hon. gentleman think there is a possibility of a mayor in Mount Forest, seeing lives and property injured, refusing to protect it?

Hon. Mr. SCOTT.

Hon. Mr. McMULLEN—I think it is quite possible. I believe at the present moment if there was a riot you could not get our present mayor to sign, because he would come to the conclusion that if he took such an action the people would vote against him.

Hon. Mr. EDWARDS—This is a tedious discussion, but a highly important matter, because it is one in which difficulties may arise in one way or another. Primarily I think the cost of calling out the troops should not be imposed upon the county, or a district without those who have to pay the piper being consulted. On the other hand, there is difficulty that perhaps, just as my hon. friend stated, the authorities will refuse to sign. But in this provision, the reeve of the township, who is the mayor of the township, does not come in at all. He is not a justice of the peace. He is simply by virtue of his office, a magistrate for the time being. He is the chief magistrate but he is not a justice of the peace. He could not sign this requisition. Now, I suppose that in all instances it is the whole county that would have to pay the expense and not the individual township that might be involved. I believe that the chief magistrate of the township, in any district where such difficulty might arise, is one of those who should be consulted. For instance, there may be trivial attempts to call out the militia. The local authority may refuse, and a judge at a distance might override that refusal and force the calling out of militia when it is not required at all. These difficulties will occur, and I think we should take some time to arrive at the best and the most judicial way of dealing with this matter. I am one of those who believe that in every instance the chief magistrate who, in rural districts, is the mayor of the municipality or the reeve, is one of those who should be consulted.

Hon. Mr. SULLIVAN—Suppose you send to a distance, the magistrate cannot come in and see whether there is any necessity for it or not, and is he going to sign the requisition on the statement of some messenger who was sent? If that be so, the troops may be called out without any real cause at all. I think it should be compulsory