

Sir FREDERICK BORDEN. I think that is all right. I move :

That the words ' who when on service ' be inserted after the word ' or ' in the second line.

Mr. SAM. HUGHES. My hon. friend from East Grey (Mr. Sproule) has raised the point: Would it be a lawful order if he was not on service? I do not think it would be.

Mr. FITZPATRICK. No.

Mr. SPROULE. I thought it was the contention of the hon. Minister of Militia and Defence the other day that any order of his superior officer, whether he was in uniform or not, would be a lawful order.

Mr. SAM. HUGHES. No.

Mr. FITZPATRICK. In the case of Cole vs. Cook that point was decided.

Mr. SAM. HUGHES. That is right.

Sir FREDERICK BORDEN. The title is to be changed back to what it was in the old Act :

An Act respecting the Militia and Defence of Canada.

Mr. DEPUTY SPEAKER. That can be changed on the third reading.

Mr. FITZPATRICK. Let us finish it up to-night.

Mr. SAM. HUGHES. We will drop all the amendments and I think it will be satisfactory to us if the hon. minister will accept as section 69 the following :

The Governor in Council may place the militia, or any part thereof, on active service anywhere in Canada and also beyond Canada for the defence of the empire.

Sir FREDERICK BORDEN. No, that will not do.

Mr. R. L. BORDEN. What clause has replaced this in the original Bill?

Mr. FITZPATRICK. Clause 79 when the Bill was introduced.

Mr. R. L. BORDEN. I do not know that there is any great object in keeping it in committee, if it is desired to get it through to-night, and if there can be further discussion on the third reading.

Mr. FITZPATRICK. Yes.

Mr. R. L. BORDEN. Perhaps you might reconcile the conflict of view on it by making it 'for defence' instead of the words 'for the defence thereof.'

Mr. FITZPATRICK. It would be the same thing in effect.

Mr. R. L. BORDEN. In effect I think it is the same thing now.

Mr. FITZPATRICK. So do I, absolutely the same thing.

Mr. R. L. BORDEN. Because after all the responsibility is thrown upon the government in power.

Mr. FITZPATRICK. A mere play upon words.

Mr. R. L. BORDEN. The only reason I have for objecting to the language is perhaps a sentimental one.

Mr. FITZPATRICK. You might let the section go through in its present form, and if on the third reading there is any suggestion we can deal with it then.

Mr. R. L. BORDEN. I am agreeing to this in the belief that every one is here who wanted it to stand.

Mr. SPROULE. If there was permission given to amend it on the third reading it would be all right.

Mr. FITZPATRICK. There cannot be any undertaking given to amend it on the third reading.

Mr. SPROULE. We have this disadvantage that on the third reading we are out of committee and you only speak on it once.

Sir FREDERICK BORDEN. That is one of the advantages.

Mr. R. L. BORDEN. After all I do not see, when you already have a provision fixing the terms upon which you can call out the militia why you require to repeat these terms in the amendment.

Whenever the Governor in Council places the militia of Canada or any part thereof on active service anywhere in Canada or beyond Canada for the defence thereof.

That is already covered. Why not have it.

Whenever the Governor in Council places the militia of Canada, or any part thereof, on active service.

You have already limited the calling out of the militia and this is a mere repetition.

Mr. FITZPATRICK. That is right.

Mr. R. L. BORDEN. It would meet my sentimental objection. Then it would read:

Whenever the Governor in Council places the militia of Canada, or any part thereof, on active service, the parliament of Canada shall then, &c.

Mr. DEPUTY SPEAKER. I shall read the section as it was and as it is.

69. The Governor in Council may place the militia, or any part thereof, on active service anywhere in Canada and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

Then the amendment as first proposed was as follows :

Whenever the Governor in Council places the militia, or any part thereof, on active service anywhere in Canada or beyond Canada for the defence thereof, parliament, if parliament be then separated by such adjournment,—