

orders. But you might require that a higher civil authority than a magistrate or two justices of the peace should have the calling out of the troops. You might require, for instance, a requisition from a judge of the superior court. But it is essential that the civil authority, and not the military authority, should be responsible.

Mr. CLARKE. When the hon. gentleman speaks of civil authority, I presume he means the authority of the municipalities?

Mr. TISDALE. No, the administration of justice.

Mr. CLARKE. What I contend is that the municipal authorities should have something to say. Now practically they have nothing. The militia can be called out by two justices of the peace, not responsible to anybody in particular, and without consulting the municipal authorities.

Sir FREDERICK BORDEN. In most cases, it is the mayors of the municipalities who call for military aid. At Valleyfield, Montreal, Toronto, London, Sault Ste. Marie the requisition was made by the mayors.

The next section, 37, is the same as the present law. Section 38 is the same as section 34, subsection 4 of the present law. Section 39 is the same as section 34, subsection 5 of the present law, except that the rates of pay and allowance are increased.

Mr. SAM. HUGHES. The minister has increased the pay per horse, but he has left the pay of the men at fifty cents per day. He is giving the horses \$1.50 per day, thus increasing their pay fifty cents, but does not increase the pay of the men. I would like to see that in the case of these riots, the officers and men should get five dollars a day and each horse as high as you want to pay him.

Sir FREDERICK BORDEN. In order to be able to secure horses quickly, it was thought desirable to make this special provision.

Mr. SAM. HUGHES. The men are much more difficult to obtain. Lots of these young men lose from two to four dollars a day by being called out.

Sir FREDERICK BORDEN. The men are enlisted and obliged to go, but the horses are not.

Mr. R. L. BORDEN. Might I ask the hon. minister to return to section 36? I think that the Minister of Justice will agree with me that some revision of that clause will be necessary. Look at the first two or three lines.

The district officer commanding or the senior officer of the active militia present at any locality shall call out the same or any portion thereof as he considers necessary for the pur-

Mr. TISDALE.

pose of preventing or suppressing any such actual or anticipated riot or disturbance, when thereunto required in writing by the chairman or custodian of the Quarter Sessions of the Peace or by any three justices of the peace, or by any two justices of the peace, and the warden, mayor or any other head of the municipality or county in which such riot or disturbance occurs or is anticipated as aforesaid, provided always that the permanent force is not available and not in sufficient numbers for the purpose.

The first portion of this section is not intended to apply to the permanent force at all. The minister has proposed an amendment which says the permanent force shall be employed, but he has not provided any machinery for calling them out. If that is to be workable, it must be amended in some way.

Sir FREDERICK BORDEN. That is probably quite correct. The fact is, the proviso was a separate clause and the attempt was made to put the two together, and I dare say it was not very skilfully done. That can be changed.

Section 39 is the same as section 34, subsection 5, of the present law, except that there are some changes in the rates of pay. Now, it is proposed to add to section 39—

Mr. HAGGART. Before we pass from section 38, would the minister tell me if I am to understand that this was in the old law?

Sir FREDERICK BORDEN. Yes.

Mr. HAGGART. Then a soldier could act as a constable under the old law?

Mr. SAM. HUGHES. The second line below says that they are to act as a militia body only.

Sir FREDERICK BORDEN. Now, it is proposed to add to section 39 the following subsection:

2. Any sums collected from a municipality under this section in payment of the services of the permanent force or any portion thereof, shall be forthwith deposited, by the officer or other person by law authorized to receive the same, in some chartered bank, to the credit of the Receiver General on account of the permanent force.

That makes it absolutely clear that the expenses of the calling out of the permanent force must be paid for by the municipality.

Section 40 is the same as the present law, in subsection 6 of section 34.

Mr. TISDALE. This is the section which the leader of the opposition referred to. I remember a case which was up in the House, which satisfied me that this is a most unfair clause to the commanding officer who may be unfortunate enough, against his wish, to be obliged to go out on this unpleasant duty. In addition to these disadvantages he must take the risk of suing. While we are making improve-