not be liable to service in the militia in any emergency, save only in the case of a levée en masse, is adopted from the Commonwealth Defence Bill.

Mr. SAM. HUGHES. This principle was advocated in Canada long before the Commonwealth Bill was ever printed. The Commonwealth Defence Bill is copied from Canada.

Sir FREDERICK BORDEN. Very likely. Just as the Commonwealth, I believe, copied our Ballot Act, which goes now by the name of the Australian Act, although it is really the Canadian Act.

Section 20 is practically the same as section 11 of the present law. It divides the militiamen into four classes. Section 21 is the same as section 12 of the present law. It provides that the militia shall be divided into active and reserve militia, and that the reserve militia shall be raised and maintained under regulations prescribed by the Governor in Council. Section 22 is the same as section 13 of the present law.

Mr. R. L. BORDEN. In the Interpretation Act, the militia of Canada is said to mean all the military forces in Canada, while section 21 says that the militia shall be divided into active and reserve militia, and that the active shall consist of corps raised by voluntary enlistment and of corps raised by ballot, and the reserve militia shall be raised and maintained under regulations prescribed by the Governor in Council. Is it understood that the active militia includes the permanent force ?

Sir FREDERICK BORDEN. Yes.

Mr. R. L. BORDEN. Then certain language a little further on is perhaps not very appropriate. I refer to clause 30, in which reference is made to the permanent force as if it were not part of the militia at all. It says that the permanent force shall furnish schools of instruction for the militia and provide instructors therefor. It might be better to use language which would do away with an apparent contradiction.

Mr. SAM HUGHES. There is another clause in which it is provided that the active militia shall drill not less than 12 or more than 30 days, but no provision is made anywhere for the existence of the permanent force during the 365 days of the year. There is no provision that the permanent force shall be continuous. I presume that is an omission.

Sir FREDERICK BORDEN. I think I have a clause to propose with reference to that. Section 22 is the same as section 13 of the present law with additions. It provides that the period of service in time of peace shall be for the active militia three years and for the reserve militia such period as is prescribed. The time for which the reserve might be enrolled may be for a short period or a long period as may be prescribed by the Governor in Council. Section 23 is the same as section 14 of the present law, but about one-half of the old section is eliminated because it was found unnecessary. This section provides for the continuance of the present corps. Section 24 is the same as section 15 of the present law, except that it gives power to the Governor in Council to dispense with the services of any officer or man of the militia at any time. The section reads :

> The Governor in Council may dispense with the services of any officer or man of the militia at any time; and any officer or man may be permitted in time of peace to retire from any corps on giving to his commanding officer six months' notice of his intention so to do.

Hon. Mr. HAGGART. Does the section of the old Act say 'Governor in Council ?'

Sir FREDERICK BORDEN. No. It simply provides that any officer or man, in time of peace, after giving his commanding officer six months' notice, may retire. This gives the Governor in Council power to dispense with the services of any officer or man at any time.

Mr. HAGGART. Why did the hon. minister put in 'In Council,' ? I thought it was the prerogative of the King and the Governor General to appoint and dismiss, independent of council.

Sir FREDERICK BORDEN. I will consider that suggestion.

Mr. SAM. HUGHES. Not at all. If it means the Governor on the advice of his responsible minister, that is all right ; but if it means the Governor acting of his own motion, it is not right by any means. Of course, in England, when it speaks of the King being supreme, it does not mean the King, but the King on the advice of his responsible minister. If that is the case here of course it should go. Otherwise, let us keep the old form.

Sir FREDERICK BORDEN. I suppose the hon. member for South Lanark meant the same thing—the Crown.

Mr. HAGGART. What I meant is this : It is the prerogative of the Sovereign to appoint an officer or to confer an honour of any kind. That is independent of the advice of the minister. Of course, if the Sovereign makes an appointment contrary to the wish of the minister they have the right of resignation, but prior advice of the minister is not necessary. You interfere with the prerogative when you put in 'In Council.'

Mr. HUGHES. I would be very sorry to have the remarks of the hon. member for South Lanark taken as constitutional law.

Mr. HAGGART. I stand corrected by the overpowering authority of the hon. member for North Victoria (Mr. Hughes.)