

HOUSE OF COMMONS.

THURSDAY, March 17, 1904.

The SPEAKER took the Chair at Three o'clock.

REPORTS PRESENTED.

The Civil Service List of Canada, 1903; the Orders of the Yukon Territory passed by the Yukon Council, 1903.—Rt. Hon. Sir Wilfrid Laurier.

MILITIA ACT, 1904.

Mon. Sir FREDERICK W. BORDEN (Minister of Militia and Defence) moved for leave to introduce Bill (No. 5) respecting the Militia of Canada. He said: I presume the House will expect me to make a few short explanations as to the provisions of this Bill. Let me say, in the first place, that the existing militia law is practically the same law which has been on the statute-book since confederation, and indeed it was on the statute-book of old Canada long before that date. Times have changed since the existing law was enacted; Canada has grown and the militia force has grown, and it has been found impossible to carry on our militia system advantageously under the existing law. Instead of amending the present Act, I thought it better to bring in an entirely new Bill, which provides for the repeal of the existing law, but which, of course, includes and retains many of its provisions. This measure, which I now introduce, deals with the maintenance of civil power within the country and the defences of the country against invasion, and in consequence it is a measure of very great importance. I hope, and I am led to think, that the militia authorities of my department have not lost sight of this fact in framing the Bill. I may say that we have examined, not only the imperial laws and the laws of other colonies of the empire, but the laws of other countries as well, and we have endeavoured to incorporate in this Bill the best there is in them all.

It will be found that in the Bill which I now introduce there have been changes made in certain of the provisions of the existing law; there have been important additions to it, and there have been important omissions from the present law is, in the first place, the disappearance of any reference to the naval militia. This is due to the fact that a Bill will be introduced by the Minister of Marine (Hon. Mr. Préfontaine) which will meet all the requirements in this regard. I may say that this is done at the suggestion and under the advice of the Colonial Defence Committee and of the Admiralty.

The next important omission from the present law is that restriction which pre-

vents the appointment of a Canadian officer as commanding officer of our militia. The existing Militia Act provides that no one but an imperial officer, and no one below the rank of colonel in the British army, shall be appointed general officer commanding the militia of Canada. The new Bill omits this restriction and leaves it open to a Canadian or to any qualified person within the British empire to be appointed by the government as commanding officer of the Canadian militia. The next important omission—military men will consider it important, although in a sense it is perhaps a matter of minor importance—the next omission from the Bill is the provision in the present law by which an officer of the British army of the same rank as a Canadian officer, but of junior date of appointment, takes precedence of the Canadian officer in the militia of Canada. This provision is not included in the present Bill, so that in future imperial officers who come here to serve in Canada will rank with officers of the Canadian militia according to the date of their appointment.

The next important provision which is not included in the present Bill, but which exists in the law as it now stands, is with reference to the powers of the imperial officer commanding the imperial troops at Halifax. Under the law as it now stands, in case of war, the imperial officer commanding the imperial troops at Halifax, no matter how junior he might be, would immediately take command of the whole militia of Canada over the head of the general officer commanding the militia of this country. That provision has been eliminated from the present Bill, and no allusion whatever is made to the general officer commanding at Halifax. If he is a man of senior rank, he would in time of war, by virtue of his seniority, take his position as head of the forces in this country.

One other omission is made. There is no reference in the Bill I am now proposing to the King's regulations. Under the law as it now exists the King's regulations are made a part of the law of Canada. This has been found to be troublesome and cumbersome, and to add to the difficulties of the administration of the militia. Therefore, we shall rely in future upon the regulations made in Canada for the administration of the militia of Canada, except that the Army Act will apply. It was at first thought that we might re-enact the Army Act in this country; but it is a very long document and is being changed from time to time; and, after taking the best advice I could get in this country, it was thought wiser to adopt the British Army Act rather than to attempted to re-enact a similar Act here at present.

Mr. SAMUEL HUGHES. In so far as it is not inconsistent with your law.

Sir FREDERICK W. BORDEN. Quite so. Now, I will mention some alterations which