

another war such as that in South Africa, ten years ago, and I very much fear that we may have some doughty Canadian premier rise in his place and cry out: Canada is not menaced; I will not be stampeded.

But, Mr. Speaker, perhaps the most mischievous, the most insidious feature of this Bill, is that it is an attempt, an unconstitutional, an unpatriotic attempt, to change the relations of Canada to the motherland. By section 15 of the British North America Act, the command in chief of all the naval forces of and in Canada is declared to continue in the King. I regret I have not the section here to read it, but hon. gentlemen can refer to it for themselves. By that Act, the command of all naval forces of and in Canada is to remain in the King after confederation as before. How was that command vested in the King prior to confederation? If you will turn up the old statute of 16, Charles II, you will find the answer. That old statute was in force at the time of confederation and is still in force. By that statute it is declared that the sole supreme command, government and disposition of all sea forces is the undoubted right of the King, and that either or both Houses of parliament cannot pretend to the same. It is that undoubted right which is continued in the King by section 15 of the British North America Act. Of course, not even by this old statute, may the King act in person or upon his own arbitrary impulse. Indeed, in none of his executive acts may he do so. He must always act upon advice. But there are two kinds of executive acts exercisable by the King. There are the executive acts concerned with the administration of parliamentary enactments. In these the King acts upon the advice of his cabinet or government, but there is another kind of executive act exercisable by him. There are executive acts done in the exercise of the discretionary power placed in the hands of the sovereign by virtue of the common law without any express parliamentary sanction or provision. Of such is the command of the navy under the old statute of Charles II, which I have cited, and of such also is the command of all the naval forces of and in Canada, under section 15, of the British North America Act. My hon. friend from East Grey (Mr. Sproule) has been good enough to give me a copy of that Act. Section 15 reads as follows:

The command-in-chief of the land and naval militia, and of all naval and military forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

I would draw your attention to the fact that the old statute of Charles II, which I

Mr. COWAN.

have cited, and the British North America Act, are both imperial Acts, and under both the command given to the King is exercised and administered in exactly the same way and upon the same advice. Again, I have to regret that I have not my authorities with me. But I remember them. If you will turn to volume 6 of Lord Halsbury's Laws of England, page 419—as I remember it—you will find exactly in what way and upon what advice that command is exercised and administered. You will learn that that command is not exercised and administered upon the advice of the King's cabinet or government; you will find that that supreme command is exercised and administered by the Commissioners of the Admiralty who now exercise all the powers and jurisdictions enjoyed by the Crown at common law. By the orders of the admiralty, and their orders alone, all ships are built, repaired, and put to sea, all ships are laid up in reserve or sold, or sent to the scrap-heap, all ships are put in commission and put out of commission. By them all ships are employed, either on the home station, or on foreign stations, or sent on voyages of discovery. All admirals, vice admirals, rear admirals, hold their commissions from the admiralty, and all appointments and all promotions in rank are made by the admiralty. By the admiralty all orders for the payment of naval moneys are issued, and by the admiralty the annual estimate of the expense of the navy—the naval budget—is prepared and laid before parliament for its sanction. All that parliament or government can do in reference to the navy is to vote the supplies. Neither parliament nor government can at its own will or caprice place the navy at the disposal of the King or withhold it from the King. So that we now see, that, under section 15 of the British North America Act, command of all naval forces in Canada is to continue in the King. By the constitution, that command, and continuance of that command, in the King is not that our Canadian navy shall be placed at the disposal of the King or withheld from the King at the caprice of the Canadian government. But the Bill before the House would change all this, the Bill before the House aspires to amend section 15 of the British North America Act. By that Bill the command of all naval forces in Canada is not to continue in the King and be vested in the King, but it is to be placed at the disposal of the King or withheld from the King at the will or caprice of a political body, namely, the government of Canada. The Bill before the House, like the right hon. the leader of the House, has a goal for its aspirations. That Bill aspires to make the Canadian government independent of section 15 of the British North America Act, just as the right