

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.

What is the object of this section of the Bill which we are now discussing? Does it propose to limit this section 15 of the British North America Act? It does not repeat it in so many words, but repeats it with a qualification. If that qualification is inconsistent with the British North America Act, it can have no effect, because the British North America Act must prevail over every enactment of this parliament if the two be inconsistent. What, then, is the object of this section 4 in introducing a qualification to which I have referred? I do not, at the present moment, quite understand the object of the government in introducing it. So far as some observations of the Prime Minister with respect to the use of the Queen's name in the British North America Act are concerned, you will notice that there are provisions in the British North America Act which contemplate the exercise of certain authority by the Queen, not upon the advice of the cabinet in Canada, but upon the advice of her own cabinet. There can be no doubt about that. For example, section 26 provides:

If at any time, on the recommendation of the Governor General, the Queen thinks fit to direct that three or six members be added to the Senate, the Governor General may, by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

I do not suppose that the Prime Minister will contend that he could add a qualification to that section and declare that the Queen should exercise that authority through the Governor General and by the advice of the cabinet here. That would hardly be a reasonable argument, it seems to me. I do not go into the question of control by parliament, because the parliament in Great Britain has control over the army and navy by virtue of its control over appropriations. No doubt, this parliament could have the same control; parliament could refuse appropriations for a standing army, a militia or a navy, and in that way could exercise most effective control in this country over any of these forces. But there is the distinction to which I have alluded in the fact that we are limited by a written constitution, and an enactment of this parliament inconsistent with the British North America Act can have no force against that Act.

Hon. A. B. AYLESWORTH (Minister of Justice). I did not take any part in the debate on this measure at the earlier stages, and I should not do so now, but that the subject under discussion relates to

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questions which, in the main if not entirely, are of a purely legal character. I should like to premise, in what I wish to say about the matter, that I am merely expressing my opinion about the law as a member of this House, and that I do not for a moment expect that any views I hold with regard to this subject should be received with any greater weight than would be attached to expressions of opinion on the point by any other lawyer who happened to be a member of this House.

I would like to say just one thing further by way of preface. A good deal has been said, in the course of the earlier stages of this debate, upon the subject of personal loyalty or the attachment and devotion which every British subject ought to feel towards the Crown and towards the mother country. Some aspersions—I think I may without impropriety say—have been cast, in that regard, upon, not only the leader of the House (Sir Wilfrid Laurier) and the leaders of the political party on this side of the House, but upon that political party generally, or, at all events, some sections of it. I do not want to go into anything of that sort. It seems to me that this matter can be discussed, and ought to be discussed, without any question of that character being raised. I think that, personally, I am thoroughly and entirely loyal to the British Crown, to British institutions, and to Great Britain as our mother country. I think the same thing of the right hon. gentleman who leads this House, and of his compatriots in this country; and, with regard to this measure, I only want to say that if I thought there was anything in it which, insidiously, secretly or colourably, was endeavouring to introduce the thin end of the wedge of any division between Canada and Great Britain, or to make for disloyalty towards Great Britain, or to make even for voluntary separation between Canada and Great Britain, I not only would not be supporting this measure, but I would not remain for one single hour in any government that would introduce it into this House. I have said before now on that subject in this place that some of my friends referred to me sometimes as a political jingo, or a Toronto jingo, equal in that regard even to my hon. friend from Victoria and Haliburton (Mr. Hughes). I am quite content to accept that description. I believe that the hon. the leader of the opposition said not long ago, (I saw it reported in some newspaper), that he came from a race of men who were proud to say, that they had never lived under any other flag than that of Great Britain. I can say the same thing; and coming with such a family history, I think it would be a strange thing if I did not feel, as I have said, not merely