

officer. I dare not let his name be known, although there was nothing wrong in what he wrote to me; but it was contrary to the regulations for him to write. The minister adopted a good many of his suggestions in his Bill. Why not adopt the policy which the British government is pursuing, and have some centre to which these men could send their expressions of opinion?

Sir FREDERICK BORDEN. That is a very good idea.

On section 84,

Mr. FITZPATRICK. It is proposed to substitute the 'may' for 'shall' in this section.

Mr. SAM. HUGHES. What is the object?

Mr. FITZPATRICK. Do not criticise me too closely. But if the hon. gentleman reads the clause he will see that 'may' is a good substitute. In this case, I think, 'may' will be read as 'shall.'

On section 110,

Mr. FITZPATRICK. It is proposed to amend this by adding, after the word 'penalty' the words 'If an officer, to twenty-five dollars and if a man to ten dollars for each offence.' This distinguishes between an officer and a man.

Mr. SAM. HUGHES. But they are punishable by the Army Act. It opens 'every man of the militia' and 'man' is specifically defined at the beginning. The hon. minister had better say, 'every officer or man' at the beginning.

Mr. FITZPATRICK. If the hon. gentleman (Mr. Sam. Hughes) will look at the interpretation clause he will find that it includes warrant officer and non-commissioned officer as well as private.

Mr. SAM. HUGHES. Yes, but neither of these is an officer.

Mr. FITZPATRICK. This must be for militia authorities to decide, but would not the hon. gentleman distinguish between an officer, a non-commissioned officer and a private?

Mr. SAM. HUGHES. 'Every man of the militia who disobeys any lawful order of his superior officer, or is guilty of insolent or disorderly behaviour towards such officer, shall incur a penalty,' if an officer, of so much, and if a man, of so much. I think it should be clear this could only apply when they are on duty, or in uniform.

Sir FREDERICK BORDEN. It only does apply then.

Mr. SAM. HUGHES. But the 'lawful order' covers the order part of it. Now look at the second clause, 'Every man of the militia who disobeys any lawful order.' That is all right because it is not a

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lawful order unless he is on duty. But the next part 'or is guilty or any insolent or disorderly behaviour towards such officer shall incur a penalty of \$10 for each offence.' Why not put in the words 'such officer or man while on duty'?

Sir FREDERICK BORDEN. Because section 72 controls that.

Mr. SAM. HUGHES. That is the King's Regulations and the Army Act, in section 72. This is a civil court offence under the Canadian law.

Sir FREDERICK BORDEN. But 72 fixes the time when the man is under the control of his superior officer.

Mr. SAM. HUGHES. But 110 is an old Army Act, this is a statute of Canada, and it brings the man up for punishment. I suggest that it read 'or is guilty of any insolent or disorderly behaviour towards such officer or man when on duty.' What harm can it do.

Mr. TALBOT. Does the hon. gentleman not admit that the second part applies to the first?

Mr. SAM. HUGHES. I am asking the hon. Minister of Justice—he is a lawyer and I am not—what the interpretation of that might be. Would the hon. minister look at it and see?

Mr. FITZPATRICK. Yes.

Mr. SAM. HUGHES. The first part is all right. If it is a lawful order and if he is guilty of any insolent or disorderly behaviour to his superior officer he would be liable to a penalty, but the question would come up that the officer would not be an officer unless he was on duty. He would be merely a citizen.

Mr. FITZPATRICK. How would it do to make it read this way:

Every man of the militia who, when on service, disobeys any lawful order, &c.

Mr. SAM. HUGHES. I do not mean the first part. The word 'lawful' covers that.

Sir FREDERICK BORDEN. That means surely that it is a lawful order?

Mr. SAM. HUGHES. I want to make it clear. It is the same old wording in the original Act, but it is under the Army Act and refers to a condition of things in which, with the permanent force in England, the men are always on duty.

Mr. FITZPATRICK. How would it do to make it read this way?

Every man of the militia who disobeys any lawful order of his superior officer, or who, when on service, is guilty of any insolence or disorderly behaviour towards such officer, shall incur a penalty, &c.

Mr. SAM. HUGHES. That will cover it.