

clause as it stands—all expenses and costs incurred by reason of the militia being called out.

Hon. Mr. McCORMICK: That is it. That will be satisfactory.

Hon. Mr. GRIESBACH: You have to be careful with this clause, for the reason that you are dealing with the permanent forces who are in the province, the permanent forces who may be brought into the province, the non-permanent forces within the province, and the non-permanent outside of the province, who may be requisitioned and transported there. The practice of the Government in making up its bill of costs is to charge only the transportation of the permanent troops from their garrison to the place where they are used, plus any other extra costs there may be for accommodation, etc. The pay of the troops and the cost of their equipment are already provided for and borne, no matter where they are.

Hon. Mr. CASGRAIN: Carried.

Hon. Mr. DANDURAND: So there is no amendment.

Hon. Mr. CASGRAIN: No.

Subsection 2 of new section 86 was agreed to.

Subsection 3 of new section 86 was agreed to.

On subsection 4 of new section 86—inquiry and report by Attorney General:

Hon. Mr. GRIESBACH: I would like to ask the honourable leader of the Government what is meant by this subsection. It strikes me as being so much camouflage. It is true that the Commission which investigated the trouble at Sydney brought in a resolution to the effect that there should be an inquiry, but I cannot see what it has to do with the militia or the use of troops. Perhaps the honourable leader could tell us why this subsection is here. As a matter of fact, it cannot affect the military situation in the slightest degree. If a clause of this kind is wanted, it might as well be inserted in the Industrial Disputes Investigation Act, the Public Inquiries Act or any one of half a dozen other acts. It does not belong here at all. It does not affect the calling out of the troops, or the calling in of troops, because that is a matter for the Attorney General of the province.

Hon. Mr. CASGRAIN: It can do no harm to leave it in. Let the Government know why the troops are sent.

Subsection 4 of new section 86 was agreed to.

On new section 87—officers and men shall have powers and duties of special constables:

Hon. Mr. GRIESBACH: I want to move an amendment to this section. It is a very important one. Subsection 2 of section 87 says:

Every officer and man of the Active Militia, at all times and while so called out, shall obey the orders of his military superior officer.

I beg leave to move, as paragraph 3, the following:

No proceeding, criminal or civil, shall be taken against any officer or man of the Active Militia by reason of any act or thing done or omitted to be done by him in good faith, in the discharge of his military duty and under the orders of his military superior officer.

By this clause you make special constables of your citizens, your friends and your neighbours. You require them, in the case of the non-permanent Militia, to obey the orders of their superior officers. It seems quite logical to provide that no civil or criminal proceedings shall be taken against a man who observes in good faith, in the discharge of his military duties, the orders of his military superior officer.

Hon. Sir JAMES LOUGHEED: I think it is in the Interpretation Act.

Hon. Mr. BEIQUE: It is implied.

Hon. Mr. GRIESBACH: It is not implied, because an action lies; and in the British Parliament they frequently bring in an Act of Indemnity.

Hon. Mr. BEIQUE: I do not think it is necessary, and I am afraid it is liable to cause trouble in other cases.

Hon. Mr. CASGRAIN: Is a soldier hung if he kills a man in the discharge of his duty?

Hon. Mr. GRIESBACH: I know the amendment is very closely connected with the discharge of duty. You may find in the use of the military in this country that you will be met with this situation, for instance. You may be confronted with an injunction restraining troops from discharging their duty? What are you going to do about that? Your soldier is between the devil and the deep sea: if he does not obey his superior officer, he will be disciplined, and if he does, he may be liable to civil or criminal proceedings.

Hon. Sir JAMES LOUGHEED: If this were necessary in this Act, would it not be necessary in the Militia Act?