1868 in some degree, the military officers were actually given authority to conduct a door-to-door canvass in order to determine who should be eligible for military service, and could drag men out for such service. I think something should be done by the government to effect a clear understanding with regard to this section. I can place no other interpretation upon the act than that we have now in force in Canada compulsory military service. It has been the law of the land for seventy-one years. In 1868 this principle was introduced by Sir George Cartier, who at that time rejected an amendment proposing that the militia of Canada should be recruited by voluntary enlistment. That was again made clear in 1917 when the Prime Minister of the day was introducing the Military Service Act. He then said that this clearly was the law of the land and had been the law prior to that time; and because it was the law of the land the authority of that law was invoked in order to bring in the Military Service Act, which simply temporarily substituted the selective draft for the draft by ballot. If the Minister of Justice (Mr. Lapointe) is correct when he says the Military Service Act of 1917 lapsed at the conclusion of the war, these provisions of the Militia Act are in force to-day, and to-day men may be drafted by ballot.

The other day the Prime Minister was definite in his assurance that conscription would not be enforced. I fail to comprehend his attitude in view of the nature of the legislation now in force. It seems to me repugnant to Canadian tradition that we should be placed in a position inferior to that of our cousins in Great Britain, who at this time are quite frankly and openly discussing the features of compulsory military service. We have in Canada to-day compulsory military service of an even more obnoxious character than that which is objected to by many who openly oppose conscription in this country. I can readily prove that it is more obnoxious, because it is a draft by ballot. For purposes of enrolment and drafting by ballot Canada was divided into definite military districts, and as I interpret the act the district officers commanding may conduct a sort of glorified sweepstake in order to provide drawings for men who may be required to serve, men whose lives may be at stake.

Mr. MACDONALD (Brantford): There is always a prize in a sweepstake.

Mr. MacNEIL: I suppose it is open to argument whether this is a prize; but it seems to me absurd in the extreme that in this day and generation we should be relying on compulsory draft by ballot in order to bring the strength of our military establishment up to the point that may be determined by the governor in council.

Mr. MacNICOL: May I ask the hon. member whether the United States, on entering the great war, did not follow the method of drafting men for their army by lot or ballot.

Mr. MacNEIL: As I understand it, in the United States they had a system similar to that outlined in our Military Service Act of 1917, which established the principle of selective draft. I understand that the principle of selective drafts was adopted in the United States in 1917.

Mr. MACDONALD (Brantford): Is the hon. member suggesting any alternative or better way than doing it by ballot?

Mr. MacNEIL: I am suggesting in my amendment the general principle that there should be no compulsory mobilization until parliament has sanctioned that action by law, in the hope that parliament by law may enact such provisions as will more adequately express the will of the Canadian people.

Mr. MACDONALD (Brantford): The hon. member is not complaining about the ballot system?

Mr. MacNEIL: I am pointing to the fact that the draft by ballot is inefficient and an obsolete form of enlisting men for the active militia.

Mr. MACDONALD (Brantford): But the hon. member is not suggesting any different form?

Mr. MacNEIL: I am suggesting that parliament should deal with the matter. I am saying that under the provisions of this act not the governor in council but the governor general is mentioned as the authority who by proclamation may summon to the colours those liable for military service. The features of this act are similar to the press-gang features of a bygone day because, as I say, it perpetuates the features of the act of 1868 which authorized military officers to search houses or canvass from door to door to determine who should be liable for military service. I cannot conceive of any government to-day attempting to adopt press-gang methods of recruiting for the Canadian forces, and for that reason I suggest it is obnoxious to have

on our statute books at this time legislation suggesting a press-gang tactic. These matters should be remedied by act of parliament; the whole question should be brought under the control of parliament and not left directly under the control of the crown.

I shall not deal further with this matter, but I wish to suggest certain amendments to section 64 of the act, under which it is provided that the governor in council may place the militia or any part thereof on active service anywhere in Canada, and also beyond Canada for the defence thereof, at any time when it appears advisable so to do by reason of emergency. I propose that this section should be amended to read as follows:

The governor in council may place the militia, or any part thereof, on active service anywhere in Canada when it appears advisable so to do by reason of emergency and on active service beyond Canada, for the defence thereof, after parliament has passed an act authorizing such action.

A further section relating to this point was drafted in 1904, and restricts the power of the executive with regard to the dispatch of troops beyond the frontiers of Canada. That section provides that if the forces are placed on active service, parliament shall be summoned within fifteen days. I suggest that this section be also amended to read:

66. Whenever the governor in council places the militia, or any part thereof, on active service in Canada, and before he places the militia, or any part thereof, on active service beyond Canada, if parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of parliament within fifteen days—

That is, there should be prior sanction by parliament of any act or commitment with regard to the dispatch of troops beyond the frontiers of Canada.

Mr. MACDONALD (Brantford): May I ask what the hon. member proposes to do about the defence of Canada during those fifteen days?

Mr. MacNEIL: I wish to make it quite clear that in my amendments I do not propose anything that interferes with or hampers the executive, that is, the cabinet, in placing the country instantly and without delay in a state of defence. I do not suggest any interference with that at all; I recognize that it may be necessary in a time of emergency. My amendments deal solely with the control of decisions leading to the dispatch of Canadian troops beyond the confines of Canada. I think the contention in this regard was made quite clear by Sir Charles Fitzpatrick in 1904, when he was collaborating with Sir Frederick Borden, the then Minister of Militia, in drafting this act. In reply to the remarks of the then hon. member for King's he said:

The hon. member for King's did not want the governor in council to have the power to send troops beyond Canada even for the defence of Canada. That was his position. What is ours? It is that we are prepared to give the governor in council a blank power of attorney extending over fifteen days. The governor in council may send the militia of Canada out of Canada at any time, when deemed necessary for the defence of Canada. If, in the opinion of the governor in council, it should be necessary, because of a war going on in India, to send our militia out there for the defence of Canada, they may, in the exercise of their discretion, do it, because they are the sole judges of what is necessary to be done in defence of Canada. But we do not think it advisable that that power should be absolutely and unrestrictedly in the hands of the governor in council.

We think it advisable that the period during which they may exercise that power should be restricted and that parliament should be called together and be consulted at the earliest opportunity. Parliament must be summoned in fifteen days and then the whole matter will be in the hands of the people's representatives.

That clearly expresses the intention of this section, when it was drafted in 1904.

There are other sections of the act relating to the command of the militia. One states that in the event of a vacancy in the position of general officer commanding, or in the event of the absence of that officer from Canada, the governor may detail an officer of the headquarters staff to be charged with military command of the militia. My amendment proposes that that decision shall be subject to the approval of the governor in council. Then, section 67 of the act as it now stands reads:

In time of war, when the militia is called out for active service to serve conjointly with his majesty's regular forces, his majesty may place in command thereof a senior general of his regular army.

I consider that section a relic of colonial days. It should be repealed, and the repeal is suggested in my amending bill. I consider that we can in Canada provide senior officers competent to command Canadian troops on active service. I suggest that by reason of our experience in the great war it may be inadvisable to state that his majesty, acting on the advice of his ministers in the United Kingdom, should have power, when our troops are serving in cooperation with the regular forces on active service, to place in command of Canadian forces a senior general from his majesty's regular army. I suggest