

of recruiting for the active militia I do not see how we can avoid this difficulty. It is a very serious hardship and something to be absolutely avoided when it is possible to do so.

Mr. R. L. BORDEN. Would the minister not think also that the municipality should have some voice in the calling out of men when they are responsible for their payment?

Mr. FITZPATRICK. I quite realize that, but sometimes those on whom the payment depends are not as active in such cases as they might be. Possibly those in charge of the city might feel that under the circumstances they were not anxious to burden the municipality with the responsibility for the obligations to be incurred as the result of calling on the militia. I think possibly we might put it that only in case of default by representatives of the municipality would it be possible to call upon the justice of the peace. The point is worthy of consideration but my hon. friend might very well admit that it is not absolutely free from difficulties.

Mr. R. L. BORDEN. Certainly.

Sir FREDERICK BORDEN. With reference to the very painful cases referred to by the hon. member for St. Mary's division, Montreal (Mr. Tarte) I might point out to him that, to some extent at least, the provision which we are here making to avail ourselves of the permanent force in the first instance relieves that situation.

Mr. TARTE. Hear, hear.

Sir FREDERICK BORDEN. And I think that is, perhaps, as far as we can go. With reference to this question of placing checks upon the power or authority of magistrates to call out the militia, I happened to read this morning the King's regulations for the army with reference to this matter. Unfortunately we cannot apply that here because it would be ultra vires, but these regulations make the very excellent provision that the magistrate who sees fit to invoke this authority shall accompany the troops and stand as near the commanding officer as possible.

Some hon. MEMBERS. Hear, hear.

Sir FREDERICK BORDEN. Those regulations contain, as I have said, the very excellent provision that the magistrate, who sees fit to invoke the military authority, shall accompany the troops and stand as near the commanding officer as possible. I think that, if we could put some salutary provision of that kind in our law, it would be well. My hon. friend, the Minister of Justice, will perhaps devise some clause which will make the magistrates come out and take their share of the responsibility.

Mr. TARTE. And of blows.

Mr. CLARKE. Would the hon. minister consider the suggestion that some discretion should be left with the district officer commanding in case the permanent corps or militia should be called out? Should he not satisfy himself first that the municipal authorities have exhausted every means at their disposal? Very often what is called a riot is but a trifling affair which could be quelled by a couple of dozen constables; but when the militia is available and there is the probability of the municipal authorities not having to pay, two justices of the peace, may, on their own responsibility, take the initiative and ignore the municipal authorities and the facts of the situation. Some stop should be put to abuses of this kind. Should the permanent corps be called out, I presume the municipality would not have to pay, as the pay of the men always runs on and they would not be given double pay.

Sir FREDERICK BORDEN. There is a special provision to make the municipality pay the expense.

Mr. CLARKE. There ought to be some cast-iron provision so that the municipality could not escape responsibility. This power of calling out the troops has been abused in the past. Neither the permanent nor the active militia should be called out unless the commanding officer is reasonably satisfied that the occasion demands their interference. I do not think that the decision should rest entirely with two justices of the peace. Should not some power be vested in the district officer commanding? Should he not have something to say before the troops are called out?

Sir FREDERICK BORDEN. I shall consider all the suggestions made, but I would like to point out that the machinery which we have continued is the same as has existed for half a century.

Mr. CLARKE. We want to improve the machinery.

Sir FREDERICK BORDEN. There are some old things that cannot be improved.

Mr. TARTE. This law can be.

Sir FREDERICK BORDEN. If there had been any means of improving this section, it seems to me it would have been hit upon during all these fifty years.

Mr. GALLIHER. The suggestion of the hon. member for Toronto (Mr. Clarke) if carried out, might result in a conflict of authority. Suppose the mayor of a municipality and another justice of the peace should deem it necessary to call out the militia and the district officer commanding should have a contrary opinion, you would have a conflict of authority at once. In that case, who would decide?

Mr. TISDALE. You cannot hold the military man responsible. He has to obey