

fore me, that is what the report contains. But that is not precisely the point we are dealing with. Everything that the hon. gentleman said might be conceded and still no good reason shown for making this change in the law. The law which he proposes to change is this :

Her Majesty may call out the militia, or any part thereof, for active service either within or without Canada, at any time when it appears advisable so to do by reason of war.

What is the practical effect of it? The practical effect of it is that it leaves the whole matter absolutely in the judgment of the executive of this country. There can be no doubt about that. There is no tribunal in Canada except the people of Canada which can call in question the judgment of the executive of Canada in taking action under that statute. After all it is entirely a question for the executive, for the government of Canada as controlled by parliament under the statute which the hon. gentleman proposes. I challenge any successful contradiction of that statement. Nobody in Canada except parliament and the people of Canada can call in question that action of the executive. Therefore, to all intents and purposes, the hon. gentleman is leaving the law as it was before except that he is adding certain words which he sees fit to insert in this statute advertising as it were that Canada is taking a little step away from the rest of the empire. That is what I do not like about it. It is the same in effect as it was before, precisely the same, but on the face of it it is not the same as it was before. It will not be considered as it was before by those who are looking on in foreign countries. That is the objection I have to it. If you leave the statute as it was, it will have precisely the same effect in operation as the statute which the hon. gentleman proposes. If the government of this country makes up its mind that the defence of Canada requires troops to be sent abroad, no tribunal in Canada can call that action in question except parliament and the people acting upon parliament. Therefore it is simply a matter for the judgment of the executive, but you have here this change in form which seems to me not advisable. I, myself, when this Bill was at a previous stage, suggested that we should follow the English provision as to the calling of parliament within fifteen days. My hon. friend the Minister of Militia spoke to me about it at the time. Ten days is the time fixed in Great Britain, twenty days was spoken of and eventually I told him that as far as my judgment was concerned I thought that fifteen days would be a fair time in this country considering our means of communication. I am absolutely in favour of that provision because I think parliament, here as in the mother country, should be called when a serious

question of that kind confronts parliament and the people. It seems to me that if you have that you have every possible safeguard that you desire and I do not see any object in inserting certain words which would alter the effect in one way but which are liable to be misunderstood. That is the objection I have; here are certain words which are liable to be misunderstood, and particularly liable to be misunderstood in other countries; then why should we gratuitously and without really effecting any change in the law insert them? I am willing to be convinced in this matter, I want to be absolutely reasonable about it, but does not that view of the matter commend itself to the hon. Minister of Militia and Defence? Is he prepared to seriously controvert what I have said as to the effect of this change? I think not. Is he seriously prepared to controvert the view that the calling of parliament in fifteen days must always operate as an effective safeguard? If not, what is the good of changing the law in such a way as to make it liable to be misunderstood?

Sir FREDERICK BORDEN. Mr. Chairman, I must say that I cannot see how there can be any misunderstanding. I cannot see why anybody in the world, the imperial authorities, for instance, will misunderstand the commonwealth of Australia or any one of the colonies, in which precisely the same restriction or even a more stringent restriction exists. Who is to call it in question? I can tell the leader of the opposition (Mr. R. L. Borden) that as a matter of fact this proposed Bill has been before the imperial authorities for a whole year. It was before the imperial authorities on the occasion on which I had the honour to attend a meeting of the Defence Committee. It was discussed clause by clause and exception was taken to every clause to which objection could be taken, and I assert that the imperial authorities absolutely approved of this clause and I am here to make that statement.

Mr. BARKER. I would like to ask the minister to be good enough to tell us who sit on this side of the House what objection he would have to clause 69 if it were altered in the way proposed by the hon. member for East York (Mr. Maclean). It would then read :

The Governor in Council may place the militia or any part thereof on active service anywhere in Canada, and also beyond Canada, at any time when it appears advisable so to do by reason of emergency.

Coupling with that clause the amendment proposed (leaving out the words 'for the defence of Canada'), whereby within fifteen days after the government so call out the militia, parliament must meet to consider what the cabinet have done. What possible