

Mr. SAM. HUGHES. There is one amendment to which the hon. minister drew attention clause 72 of the reprint.

The Army Act for the time being in force in the United Kingdom and the King's regulations, &c.

In this case I might point out that there is no ambiguity whatever in the law as now amended. The question was asked of the minister the other night and I do not think he need have any hesitation in believing that the principle of the English law is that when a man joins the militia force he loses none of the rights of citizenship, and except when in uniform or on duty the English militiaman, the volunteer officer and man, the yeomanry officer and man, each and all of them, are absolutely independent of the King's regulations and the Army Act, but the officer and man of the regular army and militia officer are subject to the King's regulations and the Army Act in England throughout the year.

Sir FREDERICK BORDEN. What page is that?

Mr. SAM. HUGHES. The pages are 522, 523 and 219, section 88. Briefly stated, the situation is this. Those who are subject to military law throughout the year in England, that is who are subject to the King's regulations and the Army Act are officers and men of the regular service and officers of the militia. The reason that the officers of the Imperial militia were brought under the operation of the Army Act some years ago was that more than three fourths of the officers of the militia are also officers of the regular service, men who are on the retired list or half-pay or officers who had attained the rank of lieutenant or captain and then retired to their home towns taking commissions in the militia. Then too the adjutant of every militia regiment in the old country is an officer on the staff of the regular service. But the militiamen and non-commissioned of the militia force are not at any period under the operation of the King's regulations and Army Act except when on duty, using that term in a general sense, nor are the officers and men of the volunteer force, nor are the officers and men of the yeomanry except when on duty. The exceptions then to the operation of the King's regulations and the Army Act are officers and men of the yeomanry, officers and men of the volunteers, and men of the militia. My leader prepared an amending clause which was accepted by the minister which had reference to the control over a man not in uniform who is on duty. It was intended to remove the ambiguity of the present law in regard to such a man. I think the case it was intended to meet was that a man might for instance go down to watch his corps drill, refuse to put on his uniform and stand in front of the corps and try to

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create dissension. I think it was to try to meet such a case that the present clause was put in the Bill years ago. I want to go further than this. The Bill at the present time makes it absolutely clear that the commanding officer has no authority over his men when they are not on duty, and I was sorry to see that three officers, two of whom have commanded and one of whom still commands a regiment in Toronto seem to be impressed with the idea, as I have frequently pointed out in this House, that they had some unseen or hidden control over these men when off duty. The first principle of the militia system is that it is a free system, it is a system for the defence of the country, and a system for free men, and once a man in the militia is off duty he is independent of his colonel and can treat that colonel in any way he chooses, subject of course to the restrictions of the Civil Law. I am proud to say that the men of the militia force generally show that respect to their officers which is due them, and that it is absolutely unnecessary to apply any law in this respect. Discipline is training, not repression. The minister knows from his long experience in militia affairs—and I am bringing this up in all kindness—and any one who has had experience with the permanent corps knows, that again and again the men of a force can give very excellent suggestions for the benefit and improvement of that force. At the present time it is as much as the life of one of these fellows is worth to run foul of a senior. I am not speaking of the minister, and I am sure he understands that I am not making any special reference. Suppose for instance that a lieutenant should undertake to make some suggestions to a captain who was disposed to tyrannize over him. He would be subjected to what in the army is called the devil's clutches. That is the term used in the army for bringing a man under the tyrannizing clauses in the Army Act for no offence whatever. I will give an instance. During the South African war after the battle of Colenzo, a major in command of a militia corps in England made the statement that the British officers had not their individuality sufficiently developed. He enunciated that idea one evening at a meeting of a committee of ladies and gentlemen formed in the city to take up subscription for the 'Absent-Minded Beggar Fund. He had nothing whatever to do with the meeting but he simply in conversation made this remark. This gentleman was brought under what is called the devil's clutches. He was retired from his command although he was one of the best officers in the service. He never had an opportunity of being heard and only that he happened to be a prominent officer who was able to fight the matter and to have it brought up publicly he would have been dismissed with ignominy from his corps which he had raised to a very high state of efficiency. I