

city, and there are any members of the permanent corps available it is the duty of the district commanding officer to call them out first. It may be that the government will not expect a municipality to pay the wages of these men for the time they are on this special duty. I think that the responsibility for suppressing disturbances should first rest with the municipal authorities and that they should be obliged to employ special constables if necessary. I, for one, emphatically protest against any two justices of the peace or the mayor of a city, being authorized to call out the permanent force without the approval of the district commanding officer.

Mr. FITZPATRICK. The civil authorities have nothing to do with it; when they make the requisition then the whole power is vested in the district officer commanding.

Mr. CLARKE. What I want to know is whether there is any discretion in the district officer commanding or any responsibility on him? If I read the section aright he is a mere automaton, and when a request is sent to him by certain justices of the peace or the mayor of the city, he must act.

Mr. FITZPATRICK. That is right.

Mr. CLARKE. And if he has not the permanent force available he must call upon the active militia. I think there should be something else required before either the permanent force or the militia should be called out to suppress these riots which sometimes take place in cities.

Mr. FITZPATRICK. This law has been in existence for many years; in what respect would my hon. friend wish to see it changed?

Mr. CLARKE. It is because the law has been in existence and because certain municipalities have been permitted to shirk the obligations imposed upon them under that law that a change should be made. Under the old law they were penalized, except in certain cases, to pay the maintenance of the militia when called out on such duty, and that rule, has been departed from I understand.

Sir FREDERICK BORDEN. No, that will continue.

Mr. CLARKE. My desire is that the district officer commanding shall have some discretionary power, or that before he can exercise the power vested in him to call out the militia, he shall have the assent of the responsible head of the Militia Department. I present this suggestion for the consideration of the Minister of Militia.

Mr. SAM. HUGHES. The word 'riot' has been interpreted by magistrates and fellows who get a scare all over the country, to mean any petty disturbance, and the consequence is that we have seen troops brought

from different parts of Ontario to the city of Toronto without any reason whatever.

Mr. CLARKE. A perfect farce.

Mr. SAM. HUGHES. Because a few boys were responsible for hooraying on the street, the troops were called in and the city of Toronto was saddled with great expense. I believe that the whole row in Montreal last year could have been settled by one level-headed fellow in ten minutes and the Valleyfield riots could have been put a stop to without any trouble at all. These municipalities should appoint special constables under such circumstances and then there would be less calling out of the militia to be used as a sort of police force and to be spat upon and brought into discredit. When a militiaman is standing on duty in the time of riot, any pup of a boy can walk up and spit on him, and he cannot resent it.

Some hon. MEMBERS. Oh!

Mr. SAM. HUGHES. Yes; that has been done and I have seen our men insulted and they dare not move. If the militiaman were a constable he could arrest that person, but being on duty and in the uniform of His Majesty he cannot punish those who insult him. I object to having the militia force of this country called out for anything short of an insurrection or something of a very serious nature.

Sir FREDERICK BORDEN. I do not know any better way of guarding against an unnecessary calling out of the militia, than by making the parties who are responsible for it pay the bill.

Mr. SAM. HUGHES. I agree in that.

Sir FREDERICK BORDEN. That is the law, and I propose to continue it, and if the permanent force is called out in any city the bill will have to be paid. I shall read, later on, a section which will make that clearer than it is in the printed Bill. I agree that it is exceedingly undesirable to call out the militia force on such occasions, but we must not forget that such a provision existed in the Militia Acts of the different provinces before confederation, and I do not think we can now say that the militia shall not be called out to maintain the civil power. That being so, where are you going to draw the line? To whom shall we give the authority to invoke the militia? Surely, we must give it to the municipality where the riot is said to exist?

Mr. R. L. BORDEN. At present you can have the militia called out by three justices of the peace who may not in any way be concerned with the government of a municipality. I think there should be some amendment made in that regard. There seems to be a good deal of force in the argument, that if the municipality have to pay for the services of the force, they should have a voice in saying whether the militia shall