

but Her Majesty may require all the male inhabitants of the Dominion, capable of bearing arms, to serve in case of a *levée en Masse*.

By section 5 it was provided that the male population so liable to serve in the militia, should be divided into four classes. This enactment is still in the statute book.

Section 16, subsection 3, provides that:

The enrolment shall be held to be an embodiment of all the militiamen enrolled, and shall render them liable to serve under the provisions of this Act, unless exempt by law.

Section 61 enacted as follows:

Her Majesty may call out the militia, or any part thereof, for actual service, either within or without the Dominion, at any time, whenever it appears advisable so to do by reason of war, invasion, or insurrection, or danger of any of them; and the militiamen, when so called out for actual service, shall continue to serve for at least one year from the date of their being called out for actual service, if required so to do, or for any longer period which Her Majesty may appoint.

This Bill gave rise to discussion in Parliament, as was natural. On the 12th May, 1868, on a motion to go into committee on the Bill, Mr. Dorion moved, in amendment, seconded by Mr. Mackenzie:

What it be an instruction to the committee to consider the following resolution: "That in the opinion of this House the volunteer system is of proved efficiency, and specially adapted to the spirit and circumstances of the people, and is capable of supplying a more efficient and available force than that proposed to be substituted by this Bill; and it is therefore desirable to amend the same so as to make provision—

1. For the proper maintenance and encouragement of the volunteer organization;

2. For the drilling of the officers of the ordinary militia;

3. That the ordinary militia shall not be actually called out by conscription, save in case of necessity."

On division, this amendment was rejected by a vote of 100 to 41.

It must be apparent, therefore, that the whole question of compulsory service was taken into consideration by the founders of Confederation in almost the first session of this Parliament, and that then it was decided, once for all, that for the defence of this country, and whether within or out of Canada, the people of this country should be subject to compulsory military service. And this has remained the law of the country from the day it was enacted in 1868, and it is the law of the land to-day.

Now, let us look for a moment at the provisions of the Militia Act, which was passed in its present form in 1904, and which is now known as chapter 41 of the Revised Statutes of Canada, 1906. I will quote section 10 and also section 69 of that Act:

10. All the male inhabitants of Canada of the age of eighteen years and upwards, and under
[Sir Robert Borden.]

sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia; provided that the Governor General may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a *levée en masse*.

69. 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.

Hon. members will observe that there is a slight difference in the provisions of section 69 from the corresponding section of the Act of 1868, that is, section 61. There was some debate in 1904 upon that change, and to this I will come a little later. Meantime, I desire to point out that this enactment is based upon the principle, which is as old as the principle of self-government, that while the state owes to its citizens certain duties, the citizen also owes corresponding duties to the state. To the citizen the state assures protection and security of his person and property, the enforcement of law and orderly government. To the state, each citizen owes a duty of service, and the highest duty of all is the obligation to assist in defending the rights, the institutions and the liberties of his country. I desire to express my profound conviction that there never has been, and there never will be, an occasion when that duty could be more manifest, more urgent, or more imperative than at the present time.

It may be asked: Why is this law necessary if such provision already exists in the Militia Act? The answer is very simple. We have sent 326,000 men overseas in the Canadian Expeditionary Force besides those who have gone to serve in the Allied Armies. The Militia Act provides that the selection shall be by ballot and in no other way. The Government is convinced that such a method of selection would be unwise, and even disastrous, under present conditions and having regard to the number of men required. We propose not to change or enlarge the compulsory principle, but merely to provide that selection shall not be made by ballot, that is, by blind chance. We are convinced that the selection should be based upon an intelligent consideration of the country's needs and conditions. We must take into account the necessities of agriculture, of commerce, and of industry. Those who in their present occupations are rendering better service to the state than by enrolment in the Canadian Expeditionary Force must not be selected for military service. There is need for men at the front; there is also need for men at home. The