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BORDEN, (SIR) ROBERT  
LAIRD

# Canada at War

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## A SPEECH

DELIVERED BY

Rt. Hon.

Sir Robert Laird Borden

K.C., P.C., G.C.M.G.

IN THE

HOUSE OF COMMONS INTRODUCING THE  
MILITARY SERVICE BILL

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"Is there not an appeal from the men at the front? They have answered the call, they have given glorious service, they have put aside all material considerations; duty alone has been their ideal. Unconscious of every thing other than the supreme task before them; I know from my personal experience that they cannot realize the thought that their country which so summoned them to her service will be content to desert and humiliate them. I bring from that splendid manhood of Canada at the front an earnest and thrilling message that we shall stand beside them in the stress and welter of this struggle, and bring them such support that the effort and sacrifice which have been consecrated to this supreme task shall not be in vain. When Canada called them to the colours her honour was pledged to this, and I shall do my best to see that the pledge is fulfilled. I never will be responsible for its violation."

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June 11, 1917



R. H. Baden

Mr. Speaker, as the Bill, which I am presenting to the House has created a good deal of public interest, I shall, by your leave, make a somewhat fuller explanation of its provisions and of the circumstances out of which it has arisen than would ordinarily be the case on such a motion.

Let me first ask the attention of the House to the events of nearly three years ago. It is unnecessary at this juncture to enter into any prolonged examination of the causes of this war or of the purposes for which it was undertaken. Beyond question it was the aim and intention of Germany to assassinate Belgium's rights and liberties; to crush France; to make eventual peace with Russia; to have our Empire stand aside, so that it might afterwards meet the fate of France and of Belgium in order that Germany might dominate the world. For this purpose Germany made a most intense and careful preparation during nearly half a century, and she proceeded to carry out her purpose by methods so barbarous and revolting that humanity stood aghast.

As to Canada's determination, there was never one moment's doubt. Our nation was united in a common purpose. Men of all parties expressed a most resolute and vehement determination to carry the war to victory and to an abiding peace. It was realized by all that the future of civilization and democracy was at stake.

Within six weeks after the war broke out, 33,000 men, fully armed, well trained, and thoroughly equipped, were ready to depart from our shores. Our authorized forces were increased by 30,000 men on the 7th day of November, 1914, they were increased to 150,000 in all on the 8th day of July, 1915, and to 250,000 on the 30th day of October, 1915.

In 1915, and also in 1916, many delegations from all parts of the country came to Ottawa and waited upon the Government for the purpose of urging compulsory military service. They emphasized with very great force the disadvantages of a voluntary system and the need of more men. I realized then and I explained to them possible difficulties, some of which I communicated privately to the leading members of these various delegations.

#### 500,000 MEN AUTHORIZED

On the first day of January, 1916, I issued a message to the Canadian people in which I announced that Canada's authorized forces would be increased to 500,000 men. In that message I used these words:

By the greatness of the need our future efforts must be measured.

The necessary Order in Council was passed on January 12, 1916, and it was laid on the table of the House. No criticism was made in Parliament of the action which the Government thus took; no motion was moved against the Government's action, and the necessary Parliamentary appropriations were voted unanimously. In many parts of the country my message was construed as a pledge. It was not issued as a pledge; it was the authorization of a further increase in the Canadian Expeditionary Force; but it has been deemed to be a pledge

made on behalf of the Government and the people of this country, and I am content so to regard it.

There was a splendid response to that appeal; in three and one-half months more than a hundred thousand men enlisted. The need as it then appeared seemed to be served. But later on it became apparent that the struggle would exceed all anticipations. A second division had gone to the front; then a third went, and finally a fourth. The need of reinforcements became greater, while the recruiting during the summer and autumn of 1916 became less. In the autumn of 1916, I made a tour of six provinces of this Dominion in aid of National Service. I was accompanied by the Director General of National Service, and the duty of service was emphasized to vast audiences whose response was inspiring.

### NO PLEDGE AGAINST CONSCRIPTION

After my return a delegation of representatives of organized labour waited upon me, their mission being one of inquiry with regard to the National Service cards, and they demanded from me a pledge that under no circumstances would compulsory military service be enforced in this country. I gave them a reply on the spot, and I followed that up by a letter which was published in the press and which bears the date of December 27, 1916. That letter contains the following passage:

You have asked for an assurance that under no circumstances will conscription be undertaken or carried out. As I stated to you at our interview, I must decline to give any such assurance. I hope that conscription may not be necessary, but if it should prove the only effective method to preserve the existence of the State and of the institutions and liberties which we enjoy, I should consider it necessary and I should not hesitate to act accordingly.

Early in February, 1917, I left for England, and in March last I saw at the front a Canadian Army Corps of four divisions, instead of the one division which I had seen in July, 1915. Our forces in France at that time numbered about 130,000 men, including all arms of the service. It is manifest to every one that four divisions require four times as many recruits as one, and at the present time the recruiting is not adequate to the need, as I shall show later on.

### THE REAL PROBLEM

There are only two alternatives—to let our forces dwindle from four divisions to three, from three to two, and perhaps from two to one, or, to bring aid by other means than an appeal for voluntary service. That is the problem which confronts Canada to-day.

Let me say a word about the general conditions of the war. Hon. gentlemen, of course, will understand that I may not speak too freely. The effort of the Empire has been wonderful; the effort of our own Dominion has been notable. But no effort is sufficient unless it assures victory, liberty, security and peace. I am in a position to assure the House and the country that the need of reinforcements is urgent, insistent and imperative. The effort of Russia is paralyzed for the present—no one knows for how long. The effort of the United States is only beginning. It is Germany's hope to win the war before the power of the United States can become effective; more than that, it is her confident belief; for otherwise she never would

have risked war with that great power, or staked everything on the submarine campaign and her ability to hold her lines East and West while her undersea boats should starve Britain into submission.

The crying need is for physically fit and thoroughly trained troops, chiefly infantry. The methods by which this war is carried on are perhaps more thorough, and the system by which men are provided and trained for the front and for the various arms of the service is probably more intricate and complex than any of us understand who have not looked carefully into such matters. I have before me a form of return which is used for the purpose of showing the classification, or categorization as it is called, of the Canadian Expeditionary Force. I find at the top: Category "A" with four classes; category "B" with three classes; category "C" with three classes; category "D" with three classes, and category "E."

Category "A" includes all men fit for general service. Class I includes all men actually fit in all respects, for despatch to France. Class II includes men who will be fit for Class I as soon as they are trained. Class III includes casualties who should be fit for Class I as soon as they are hardened and trained. Class IV includes men under nineteen who should be fit for Class I as soon as they reach that age.

Category "B" includes those fit for service in France but not fit for general service, that is, not fit for service in the trenches at the front. Class I includes those who may give service in garrison or provisional units. Class II includes those who are fit for service in labour and construction units or for other outdoor employment. Class III includes those who are suitable for sedentary work only.

Category "C" includes those who are fit for service in the United Kingdom only. Class I takes in those who are fit for service in garrison or provisional units. Class II includes those who are fit for service in labour and construction units or for other outdoor employment. Class III includes those who are fit for sedentary work only.

Category "D" takes in all those who are temporarily unfit for service in categories "A", "B" or "C," but are likely to become fit within six months. Meanwhile they include those who are assigned to Class I, command depots. Class II is not applicable to the Canadian Expeditionary Force in England. Class II includes those who are awaiting dental or medical treatment.

Category "E" includes only those who are awaiting their discharge and are not fit for any service.

I should explain to the House that this is the system of classification, and these are the categories used by the War Office in dealing with like matters in the British military service.

Let us look for a moment at another classification. I have given the classification by fitness, and I now come to the classification by service. I look at the side of this form and I see at least 24 divisions with perhaps 15 or 20 subdivisions, indicating the extended and comprehensive nature of the services and the great variety of purposes for which men are required in the organization of a modern army.

The divisions and subdivisions are as follows:—

- Staffs—  
     General.  
     Administrative.  
     Departmental.  
 Cavalry.  
 Mounted Rifles.  
 Artillery—  
     Horse and Field.  
     Heavy.  
     Siege.  
     Trench mortar.  
     Anti-aircraft.  
 Machine-Gun Corps—  
     Machine-gun companies.  
     Motor machine-gun brigades and batteries.  
 Engineers—  
     Field companies and troops.  
     Army troops companies.  
     Tunnelling companies.  
     Signal companies and troops.  
     Cable sections.  
     Motor air-line section.  
     Wireless section.  
 Infantry.  
 Cyclists.  
 Pioneers.  
 Army Service Corps—  
     Divisional trains.  
     Supply columns.  
     Supply detachments.  
     Salvage companies.  
     Ammunition parks.  
     Ammunition sub-parks.  
     Field butcheries.  
     Field bakeries.  
     Depot units of supply.  
     Reserve parks.  
 Army Medical Corps.  
     Field Ambulances.  
     Casualty clearing stations.  
     Mobile laboratories.  
     Sanitary sections.  
     Depots medical stores.  
     General, stationary and other hospitals.  
     Hospital ship.  
 Army Dental Corps.  
 Army Veterinary Corps.  
     Mobile sections.  
     Veterinary hospitals.  
 Forestry Corps.  
 Railway Troops.  
     Railway battalions.  
     Construction battalions.  
 Entrenching Battalions.  
 Labour Battalions.  
 Army Pay Corps.  
 Army Postal Corps.  
 Ordnance Corps.  
 Military Police.  
 Training Establishments, various.  
 Records Office.  
 Miscellaneous.

### CALL FOR THE PHYSICALLY FIT

Hon. gentlemen will thus realize that a very thorough system is required not only in reference to the fitness of the men for any service whatever, but also in respect of the various services to which they may be allotted in case of their fitness for any. Now I come for a moment, in view of that, to some statistics. I want hon. gentlemen in this House and the country to realize that the most important need at the front to-day, both in our force and in other forces, is for men of Category "A" Class I; that is, infantry who are able to go into the trenches, who are physically fit and thoroughly trained. From the classification which I have already read, hon. gentlemen will under-

stand that only a moderate proportion of enlisted troops can be brought within that category and class. I should further emphasize this consideration; that in the enlistments which have taken place during the past year, and which I shall recount in a moment, a very considerable number of men have taken service in Railway Construction and Forestry battalions. These battalions serve a most useful and important purpose, but the number of men available for combatant service in Category "A" is necessarily cut down by enlistment in Railway Construction and Forestry units. The total enlistment during the year ending May 31, 1917, was 85,306. Of course, only a portion of these men were fit for Category "A," and as I have already pointed out, a considerable number enlisted for Railway Construction and Forestry service. During the same year our casualties amounted to 75,492. Our total casualties since the war began amount to 99,639. During April and May we enlisted 11,190 men and during these same two months our casualties were 23,939. During the next seven months we need re-inforcements to the number of at least 70,000 in order to keep four divisions in the field, and to keep five divisions in the field we need 84,000 men, in both cases principally infantry. Continued offensive operations, such as those of April and May might increase this number, and if the offensive continues it is not too much to say that we must expect this.

What is the conclusion I have drawn from all this? It is, as I have said before, that reinforcements must be obtained or the divisions must dwindle; there is no alternative. The reinforcements now available will last for only a few months, the precise number of which for military reasons, I am not at liberty to state. We are all proud that Canada has played a splendid and notable part in this war. The achievements of her troops have placed her in the very forefront of the nations, and the question before the House and the country to-day is this: Is Canada content to relax her efforts in the most critical period of a war which concerns her heritage, her status, and her liberty? I am confident that the answer of the House and the country will be the same, namely, that Canada cannot and must not relax her effort.

#### CANADA'S INVIOULATE PLEDGE.

It seems to me there is something more than this to be taken into account. Is there not, as I have already said in this House, an appeal from the men at the front? They have answered the call, they have given glorious service, they have put aside all material considerations; duty alone has been their ideal. Unconscious of every thing other than the supreme task before them, I know from my personal experience that they cannot realize the thought that their country which so summoned them to her service will be content to desert and humiliate them. I bring from that splendid manhood of Canada at the front an earnest and thrilling message that we shall stand beside them in the stress and welter of this struggle, and bring them such support that the effort and sacrifice which have been consecrated to this supreme task shall not be in vain. When Canada called them to the colours her honour was pledged to this, and I shall do



my best to see that the pledge is fulfilled. I never will be responsible for its violation.

### COMPULSORY SERVICE NOT NEW

Returning on May 14th, I announced on May 18th that the need must be met by applying a principle which, for forty-nine years, has been on the statute book of Canada. I repeat that: There is no principle of compulsion in the Bill which I have presented to this House, except the principle that has remained on the statute book of Canada for forty-nine years. Some people afflicted with a diseased imagination have asserted that I took my present course at the request or dictation of the British Government. No more absolute falsehood was ever uttered by human lips. The subject was never discussed between myself and any member of the British Government; if there had been any such suggestion from them, I for one, would not have tolerated it. The Government, Parliament and people of Canada are the only authorities that can deal with or determine questions such as those which are embodied in the Bill now presented to this House.

The principle of compulsory service in this Dominion was first enacted in 1868, under a government in which Sir George Etienne Cartier was Minister of Militia and Defence. It was re-enacted with a slight change in form, but no change in meaning, in 1904, by the Government of my right hon. friend (Sir Wilfrid Laurier). In order that there may be no question about this, it is appropriate that I should give a short review of what took place in 1868 and should also deal with the amendment made in 1904.

By the Militia Act of 1868, introduced by Sir George Etienne Cartier, it was enacted—(section 4)—as follows:

4. The militia shall consist of all the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty—not exempted or disqualified by law, and being British subjects by birth or naturalization; but Her Majesty may require all the male inhabitants of the Dominion, capable of bearing arms, to serve in case of a *Levee 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 enrollment 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 shall 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.

### ANTI-CONSCRIPTION IN 1868

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



That 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 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 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 levee 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.

## PARAMOUNT DUTY OF CITIZENSHIP

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 citizens 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.

## SELECTION VS. BLIND CHANCE

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 nation's activities essential for winning the war must be maintained. Thus, the only new feature proposed is in the method of selection. The compulsory clauses in this Bill are precisely of the same character, and based upon the same principles, as those which have been in force in this country since 1868.

It is further asked why the new method of selection could not have been accomplished by an amendment to the Militia Act. We considered that very carefully. It would have been necessary to amend, perhaps, a dozen or a score of clauses, so many at least that the legislation would have been less effective, less clear and more confused. The same course has been taken in Great Britain and in New Zealand.

#### INVITES EARNEST ATTENTION.

The provisions of the Bill have been very carefully considered. We desire that they shall be most attentively studied. I do not doubt that on some matters there may be room for argument and suggestion. We are prepared to listen most carefully to all suggestions, provided they are reasonable and do not affect the efficiency of the measure.

The first provision to which I ask the attention of the House is section 13, subsection 4, of the Bill, which provides that the reinforcements to be raised under this Bill shall not exceed 100,000, between the ages of 20 and 45. The number of men in Canada between these ages, by the census of 1911, and other information of a like character, in respect to the possibility of raising 50,000 or 100,000 men, will be communicated to the House on the second reading\*. I hope that the information can be presented to the House in a form which will carry conviction. It is certainly apparent to me, from the information which I have already obtained, that there ought to be no difficulty in providing reinforcements of at least 100,000 men, and probably a number even in excess of that. Before proceeding with the explanation of section 1, perhaps I should give to the House the recital, or preamble, on which the Bill is based. It is as follows:—

Whereas by section ten of the Militia Act, chapter forty-one of the Revised Statutes of Canada, 1906, it is enacted as follows:—

"All the male inhabitants of Canada, of the age of eighteen years and upwards, and under 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 levee en masse.

\* (See Page 22).

And whereas by section sixty-nine of the said Act it is further enacted as follows:—

"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."

And whereas by the said Act it is further enacted that, if at any time enough men do not volunteer to complete the quota required, the men liable so to serve shall be drafted by ballot;

And whereas to maintain and support the Canadian Expeditionary Force now engaged in active service overseas for the defence and security of Canada, the preservation of the Empire and of human liberty, it is necessary to provide reinforcements for such Expeditionary Force;

And whereas enough men do not volunteer to provide such reinforcements;

And whereas, by reason of the large number of men who have already left agricultural and industrial pursuits in Canada to join such Expeditionary Force as volunteers, and of necessity of sustaining under such conditions the productivity of the Dominion, it is expedient to secure the men still required, not by ballot as provided in the Militia Act, but by selective draft.

## ADMINISTERED BY DEPARTMENT OF JUSTICE

That is the preamble, or recital, upon which the Bill is based. The only important part of section 1 to which I need call attention is that which provides that the Act will be under the administration of the Minister of Justice. It will be under his administration for the reason that there are to be enquiries as to selection and as to exemption or otherwise, and it is not desirable that these inquiries should be conducted by the department which is to take charge of the men when they are once enrolled. These matters are rather of a judicial character until the question of exemption or liability is finally determined. Therefore, the administration of the Act is placed under the Department of Justice.

Section 2 deals with the application of the Bill. No change of any importance is made. The section provides that:—

(1) Every male British subject who comes within one of the classes described in section three of this Act, and who,—

(a) is ordinarily resident in Canada; or

(b) has been at any time since the fourth day of August, 1914, resident in Canada,

shall be liable to be called out as hereinafter provided on active service in the Canadian Expeditionary Force for the defence of Canada, either in or beyond Canada, unless he

(a) Comes within the exceptions set out in the Schedule; or

(b) Reaches the age of forty-five before the class or subclass to which he belongs, as described in section three, is called out.

Such service shall be for the duration of the present war and of demobilization after the conclusion of the war.

(2) Nothing in this Act shall prevent any man from voluntarily enlisting in the Canadian Expeditionary Force, so long as voluntary enlistment in such Force is authorized.

Section 3 deals with the various classes into which men between the ages of 20 and 45, both inclusive, are divided. It is as follows:—

3. (1) The men who are liable to be called out shall consist of ten classes described as follows:

Class 1.—Those who have attained the age of twenty years and were born not earlier than the year 1894 and are unmarried, or are widowers but have no child.

Class 2.—Those who were born in the years 1889 to 1893, both inclusive, and are unmarried, or are widowers, but have no child.

Class 3.—Those who were born in the years 1883 to 1888, both inclusive, and are unmarried, or are widowers, but have no child.

Class 4.—Those who have attained the age of twenty years and were born not earlier than the year 1894 and are married, or are widowers who have a child or children.

Class 5.—Those who were born in the years 1889 to 1893, both inclusive, and are married, or are widowers who have a child or children.

Class 6.—Those who were born in the years 1883 to 1888, both inclusive, and are married, or are widowers who have a child or children.

Class 7.—Those who were born in the years 1876 to 1882, both inclusive, and are unmarried, or are widowers who have no child.

Class 8.—Those who were born in the years 1876 to 1882, both inclusive, and are married, or are widowers who have a child or children.

Class 9.—Those who were born in the years 1872 to 1875, both inclusive, and are unmarried, or are widowers who have no child.

Class 10.—Those who were born in the years 1872 to 1875, both inclusive, and are married, or are widowers who have a child or children.

(2) For the purposes of this section, any man married after the eleventh day of June, 1917, shall be deemed to be unmarried.

(3) Any class, except Class 1, shall include men who are transferred thereto from another class as hereinafter provided, and men who have come within Class 1 since the previous class was called out.

(4) The order in which the classes are described in this section shall be the order in which they may be called out on active service, provided the Governor in Council may divide any class into subclasses, in which case the subclasses shall be called out in order of age, beginning with the youngest.

### CLASSIFICATION NOT ABSOLUTE

For example, if it appeared to the Government that the calling out of Classes 1, 2 and 3 might yield a larger number of men than the forces authorized by this Act, would be possible for the Government to divide Class 3 into sub-classes, so that the number to be called out should not exceed the number authorized by the Act.

I now proceed to the next section:

4. (1) The Governor in Council may from time to time by proclamation call out on active service as aforesaid for the defence of Canada, either in Canada or beyond Canada, any class or subclass of men described in section three and all men within the class or subclass so called out shall, from the date of such proclamation, be deemed to be soldiers enlisted in the Military Forces of Canada and subject to military law for the duration of the present war, and of demobilization thereafter, save as hereinafter provided.

(2) Men so called out shall report and shall be placed on active service in the Canadian Expeditionary Force as may be set out in such proclamation or in regulations, but until so placed on active service, shall be deemed to be on leave of absence without pay.

(3) Any man by or in respect of whom an application for exemption is made as hereinafter provided, shall, so long as such application for any appeal in connection therewith is pending and during the currency of any exemption granted him, be deemed to be on leave of absence without pay.

(4) Any man who is called out and who, without reasonable excuse, fails to report as aforesaid or to remain on active service where placed shall be guilty, according to the circumstances, of desertion, or of absenting himself without leave and shall be liable

(a) To be tried by court-martial and convicted and punished by imprisonment, for a term not exceeding three years, or

(b) On summary conviction to imprisonment for any term not exceeding three years.

### LOCAL TRIBUNALS

Section 5 reads as follows:

(5) (1) There shall be established in the manner hereafter set out, the following tribunals:

- (a) Local Tribunals;
- (b) Appeal Tribunals;
- (c) A Central Appeal Judge.

(2) Any tribunal may hear evidence on oath or otherwise as it may deem expedient, and for the performance of its duties shall have all the powers vested in a Commissioner under Part I. of the Inquirers Act.

(4) In so far as provision is not otherwise made, the procedure of the Tribunal shall be such as is determined by the Tribunal.

(5) No member of any tribunal shall be responsible at law for anything done by him in good faith in the performance of his duties under this Act, and no action shall be taken against any member of a local tribunal or an appeal tribunal in respect of the performance or non-performance of his duties under this Act, except with the written consent of the Central Appeal Judge.

The next section deals with the Local Tribunals which are to be established.

6. (1) The Minister may from time to time by proclamation or otherwise establish local tribunals at such places as he deems necessary and give each an appropriate designation.

Now, as to the constitution of these local tribunals, of whom shall they consist? That question raised a great deal of difficulty, because it was the desire of the Government to adopt a method which would be absolutely above suspicion. We desired to make it clear that the personnel of the Board was to be selected fairly and independently. Therefore we provided as follows:

(3) Each local tribunal shall consist of two members. One member shall be appointed by a Board of Selection to be established by joint resolution of the Senate and House of Commons; the other member shall be appointed by the following authority:—

1. In those provinces in which there are county courts or district courts, the county court judge or district court judge or, if more than one, the senior judge for the county or district in which the local tribunal is established, or when the place at which a local tribunal is to be established is not within the territorial limits of any county court or district court, then by such judge as may be determined by the minister.

The county court judge or district judge is to make the appointment. If there is no such judge within the area for which the tribunal is to be established, then one of the members of the tribunal is to be appointed by such county court judge as the minister shall designate for the purpose.

Then there are special provisions for Quebec which read as follows:

II. In the province of Quebec:—

(a) In the judicial districts of Montreal and Quebec, any judge of the Superior Court of the province of Quebec who is authorized by the Chief Justice of the said Court or authorized by the judge appointed to perform the duties of Chief Justice in the judicial district.

(b) In the other judicial districts the judge of the Superior Court of the province of Quebec assigned to the judicial district within which the local tribunal is established.

III. In the Yukon Territory:—

The judge of the Territorial Court or the person appointed under the provisions of the Yukon Act to act in place of such judge; and

IV. In the Northwest Territories:—

The Commissioner of the Royal Northwest Mounted Police.

It has been our purpose, therefore, to establish tribunals which shall be constituted by an authority independent of the Government, by persons appointed under the direct authority of Parliament, and by county court judges or district court judges. In Quebec it will be by judges of the Superior Court, and in the Yukon and Northwest Territories by authorities outside of the Government itself.

It is further provided in the same section:

(4) (a) The names and addresses of all persons appointed on a local tribunal shall, as may be provided by regulations, be communicated to the Minister.

(b) The minister may by telegraph or otherwise appoint one or both members, as the case may be, of any local tribunal, if he has not received, within such period before the tribunal is to sit as may be fixed by regulation, the names and addresses of members duly appointed.

(c) A vacancy occurring shall be filled by the authority who appointed the member vacating, and if not so filled or if communication of same as aforesaid has not been received by the minister within such period as may be fixed by regulation, the minister shall fill such vacancy.

If the authorities, who are empowered by this Act to make the appointment of the local tribunal, do not make such appointments, or do not communicate them to the minister, then when the time comes for the work of the tribunals to begin, the minister may make the appointment.

There is also a provision that no person shall, without reasonable excuse, refuse to act when appointed to one of these tribunals. If he

refuses to act, he is guilty of an offence, and is liable on summary conviction to a penalty not exceeding \$500.

With reference to the appeal tribunals, the provisions are very simple, and the section reads as follows:

7. The Chief Justice of the court of last resort in each province, or in case of his absence, or failure to act, then a judge of that court designated by the minister, shall establish for such province a sufficient number of appeal tribunals, and shall assign to each tribunal, one judge of any court of such province, and shall distribute among such tribunals all appeals from and cases stated under subsection 2 of section 10, by local tribunals of which the Registrar has notice, and such appeal tribunals shall severally hear and decide the same.

As to the final tribunal, the Governor in Council may appoint one of the judges of the Supreme Court of Canada to be the Central Appeal Judge.

The scheme is to establish Local Tribunals selected by an authority outside of the Government; of these there will be many in each military district. The Appeal Tribunals will be selected by an authority outside of the Government, but a judicial authority, a member of one of the higher courts in each province, and finally there will be a Central Appeal Judge, who will be the final court of appeal, and who will be selected from the judges of the Supreme Court of Canada.

### EVERYTHING MUST BE FAIR

It has been the purpose of the Government to make these provisions absolutely fair. If any suggestion is made to the Government from the House by which the provisions can be made fairer or more effective, the Government will be glad to listen to such suggestion when the Bill is in committee.

I come, then, to section 10, which deals with appeals; it provides for an appeal from the local tribunal to the appeal tribunal, and from the appeal tribunal to the central tribunal. These appeals are to be carried out under regulations to be made on the recommendation of the Central Appeal Judge.

It is also provided by section 10 that the Governor in Council may, on the recommendation of the Central Appeal Judge, appoint one or more other-judges of any superior court to assist the Central Appeal Judge in the discharge of his duties, and may define their powers. It was thought that there might be more work for the Central Appeal Judge, than he could properly attend to, and therefore, this provision was made.

### EXEMPTIONS

I come now to a very important section, that which concerns exemption. I do not think it is necessary that I should read the whole section; the Bill will shortly be before the members of the House. I shall, however, explain its provisions. It is section 11 and it provides:

(1) At any time before a date to be fixed in the proclamation mentioned in section four, an application may be made, by or in respect of any man in the class or subclass called out by such proclamation, to a local tribunal established in the province in which such man ordinarily resides, for a certificate of exemption on any of the following grounds:—

(a) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other-work in which he is habitually engaged;



That provision, if I remember correctly, is taken from the British Act. It was inserted in that Act at the instance of representatives of organized labour, who were afraid that otherwise there would be power under the Act to affect prejudicially their interests in certain respects. The list of exemptions continues as follows:

(b) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he wishes to be engaged and for which he has special qualifications;

That is almost identical in its terms with the corresponding sections in the British Act. (Reading):

(c) That it is expedient in the national interest that, instead of being employed in military service, he should continue to be educated or trained for any work for which he is then being educated or trained;

(d) That serious hardship would ensue, if the man were placed on active service, owing to his exceptional financial or business obligations or domestic position;

(e) Ill health or infirmity;

(f) That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect at the date of the passing of this Act, of any organized religious denomination existing and well organized in Canada at such date, and to which he in good faith belongs;

### CONSCIENTIOUS OBJECTORS.

The Bill goes on to provide that if any of the grounds of the application for exemption are established, a certificate of exemption shall be granted to the applicant. It is further provided that a certificate may be conditional as to time or otherwise and, if granted solely on conscientious grounds, it shall state that exemption is from combatant service only.

Another provision which I consider very important and appropriate is taken from the British Act, and was regarded in Great Britain as essential in the interests of labour. It is as follows:

No certificates shall be conditioned upon a person to whom it is granted continuing in or entering into employment under any specified employer or in any specified place or establishment.

It was feared in Great Britain that certificates might be granted upon conditions respecting employment which would place employees more or less at the mercy of employers. There was, therefore, in the British Act a direct provision, which we have adopted in this Bill, that no such condition should be inserted in any certificate of exemption.

Another provision in this section makes it an offence to make any false statement or representation before a tribunal or to alter or tamper with a certificate. It is provided also that where a certificate is lost, destroyed or defaced, the tribunal may grant another certificate upon the payment of a small fee.

Section 12 provides that the Governor in Council may make regulations for certain purposes therein mentioned.

Section 13 contains general provisions making applicable the Militia Act, the Army Act and the King's Regulations and Orders for the army in so far as they are applicable and not inconsistent with this Act. This section also empowers the Minister of Militia and Defence to transfer to the Naval Service any man who has reported for duty under the provisions of this Act.



Sections 14 and 15 are not important; I need not refer to them at the moment. Subsection 1 of section 16 is as follows:

This Act shall come into force on such day, after the passing thereof, as the Governor in Council may fix by proclamation.

The only portion of this Act to which I have not directed attention, is the schedule, which sets forth the exceptions. It is as follows:

#### EXCEPTIONS.

1. Men who hold a certificate granted under this Act and in force, other than a certificate of exemption from combatant service only.

2. Members of His Majesty's regular or reserve, or auxiliary forces, as defined by the Army Act.

3. Members of the military forces raised by the Governments of any of His Majesty's other Dominions or by the Government of India.

4. Men serving in the Royal Navy or in the Royal Marines, or in the Naval Service of Canada, and members of the Canadian Expeditionary Force.

5. Men who have since August 4th, 1914, served in the military or naval forces of Great Britain or her allies in any theatre of actual war and have been honourably discharged therefrom.

6. Clergy, including members of any recognized order of an exclusively religious character, and ministers of all religious denominations existing in Canada at the date of the passing of this Act.

7. Those persons exempted from military service by Order in Council of August 13, 1873, and by Order in Council of December 6, 1898.

This last provision relates to certain communities of Mennonites and Doukhobors, who came into Canada on the faith of the Orders in Council which I have mentioned. Under these Orders in Council, the settlers referred to were not to be called upon to perform military service. It is absolutely clear that the faith of a country thus pledged must be kept; therefore this exception is introduced into the Bill.

I have endeavoured to give to the House as clearly and as succinctly as possible the main features of this Bill. There are one or two words that I would like to add before I sit down. The measure is not intended as provocative or punitive; it is put forward in good faith as the only means of insuring national safety in a great peril. It has been stated in the press that Canadians should not be called upon to fight beyond the limits of our territory. But ever since 1868 the law has recognized the obligations of Canadians to fight beyond the limits of our territory, and it recognizes that obligation today. I quote again section 69 of the Militia Act.

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 an emergency.\*

\*It is declared in Section 2 of the Militia Act that "Emergency" means war, invasion, riot, or insurrection, real or apprehended.

Two conditions therefore, are necessary to the placing of the militia or any part thereof on active service beyond Canada. First, the men must be sent by reason of an emergency; secondly, they must be sent beyond Canada for the defence thereof. Let us consider whether or not those conditions are fulfilled by the present circumstances.

#### NO ARGUMENT AGAINST EMERGENCY.

Will any hon. gentleman present deny that there is an emergency within the meaning of the statute? In the midst of the most terrific struggle ever known to history no one will seriously doubt the answer.

There is more than an emergency; there is a cataclysm. The greatest of the nations that were once neutral—that great nation to the South of us—has at last been obliged to take up arms to defend its rights, to prevent the domination of militarism, the destruction of liberty and the enslavement of the world. Therefore, I take it for granted that there is no argument open as to the existence of an emergency. Not only is it an emergency; it is the greatest emergency, the greatest peril ever known, the greatest, I believe, that will ever be known in the history of this Dominion.

If it is conceded that there is an emergency, are we not fighting in France and Flanders for the defence of Canada? There are but few members of the House who, in speaking of the war, have not affirmed that truth. Let us look for a moment at Great Britain. We do not know what forces she has in France at the present moment, but we do know, from the returns already made public, that her armies have sustained very nearly a million casualties on the soil of France and Belgium. Is Great Britain fighting in France and Belgium for the defence of her own territory? Yes, she is fighting to free the soil of France and Belgium from the unhallowed footsteps of the enemy, but she is no less truly fighting in defence of her own territory. I do not suppose that any one, looking at the circumstances as they have developed since the 4th day of August, 1914, could doubt that for one moment. What about Canada? When the Canadians on the 22nd day of April, 1915, barred the path of the Germans to Calais, I say that they barred his path also to Halifax, Quebec, St. John and Montreal. From the North Sea to the borders of Switzerland there is a line nearly 500 miles in length, which is being pressed back towards the German frontier. Along that 500 mile line there is a strip of territory of varying width over which this devastating struggle has swayed to and fro. It was once a glorious country with smiling fields, happy villages and prosperous towns. To-day it is the abomination of desolation, a mass of shell-churned mud with no trace of road or street, house, habitation or village. Even the fruit trees have been cut down and the wells destroyed. The Hun has spared nothing. Thousands of its inhabitants, especially girls and young women, have been led away by the Germans into a captivity worse than death. Its churches have been destroyed and even its graveyards desecrated. Imagine such scenes in this country of Canada, along a battle line extending from Quebec to Toronto. Where is Canada's first line of defence against such horrors and barbarities? It is in the North Sea, where the Empire's Navy holds back Germany's power, and in the trenches where the Canadians with the other Allied armies are slowly but surely freeing the soil of France and of Belgium from the insulting tread of the invader. If that is not our first line of defence, where is it? Who then will say that the Canadian Expeditionary Force is not fighting for the defence of Canada? Who will affirm that it is performing a less distinctively national service than the force employed in garrison and outpost duty within our territory? And yet, no one for a moment can deny that the force we have called out for garrison and outpost duty in Canada is acting in the defence of Canada. Is the service that is being per-

learned by the force overseas of a different character? I say not, in my judgment, and in this matter, I, and no one else, am responsible for the judgment to which I must come. Some one speaks of the distance. What security is there in mere distance, considering modern means of communication or attack, not only on the sea, but through the air and under the sea? If this war continues for two more years, who shall say that we may not see German aircraft in Canada? Let us not forget that German submarines crossed the Atlantic nearly a year ago.

### STRONG LEGAL OPINIONS

In the debate of 1904, upon the Militia Act, as it is now constituted, some exception was taken to the change made at that time in the Act as originally passed by Sir George Etienne Cartier. It was agreed on both sides of the House that, whether the change was desirable or not so far as form was concerned, it made no change in substance. After very careful consideration I agreed to that. The Minister of Militia of the day, Sir Frederick Borden, the Minister of Justice of the day, Sir Charles Fitzpatrick, now Chief Justice of Canada, the Minister of Finance of the day, Hon. W. S. Fielding, all agreed that if there was a change in form, there was no change in meaning or in substance. At column 6374 of Hansard, of 1904, Sir Charles Fitzpatrick said in response to a suggestion that the Governor in Council ought not to have the power to send the militia to any part of the Empire for the defence of Canada.

We have had that power for a long time.

Later on in the debate he said:

Here is the position that is taken now, that we give to the Governor in Council authority to employ the troops of Canada either within or without Canada for the defence of Canada. Then we make provision that Parliament should be summoned fifteen days after a declaration of war and that the troops may be called out, so that Parliament shall decide them what use is to be made of the troops whether within or without Canada, and what we are to do with them.

Further on he said:

The Governor in Council may send the militia of Canada out of Canada at any time when deemed necessary for the defence of Canada. If, in the opinion of the Governor in Council, it should be necessary, because of a war going on in India, to send the militia out there for the defence of Canada, they may, in the exercise of their discretion, do it, because they are the sole judges of what is necessary to be done in defence of Canada. But we do not think it advisable that the power should be absolutely and unrestrictedly in the hands of the Governor in Council. We think it advisable that the period during which they may exercise that power should be restricted and that Parliament should be called together and be consulted at the earliest opportunity. Parliament must be summoned in fifteen days and then the whole matter will be in the hands of the people's representatives.

### EVEN MR. BOURASSA

I could quote many other passages along the same line, but I will only allude to one of them. The then member for Labelle (Mr. Bourassa) said in the same debate:

I admit that an emergency might arise when the Government should have the power to call out the militia immediately.

I do not dispute that; but suppose an occasion should arise on which Canada would be called upon to organize its militia and send a large portion of it outside of Canada, when in the judgment of a large number of the people and Parliament of Canada it would be to the disadvantage of the country to have

so large a number of troops sent out, Parliament should be the final judge of that question, and the Government should call Parliament to deal with the matter.

So it will be apparent to hon. members of the House that there was no question raised at all as to the power to send the militia outside of Canada for the defence of this country. It was conceded that the Government of the country must in the first instance be the absolute and uncontrolled judge of whether that necessity had arisen, and the only point raised was whether or not, in case that power were exercised Parliament should be summoned to deal with the question, and within what time. The power to send our citizens enrolled in the militia outside Canada for the defence thereof, was fully conceded in the debate, and the construction placed upon the measure at that time was as I have already indicated.

I repeat that this measure merely accepts and acts on a principle which has been embodied in our law for almost half a century, and which recognizes an equal obligation on all citizens for the defence of their country. There is an equal obligation but, under present conditions there cannot be an equal sacrifice. No sacrifice made hereafter can be as great as that of those who have already gone to the front, some of whom have fallen, and many of whom have already been in the trenches for two years.

It has been said of this Bill that it will induce disunion, discord, and strife, and that it will paralyze the nation's effort. I trust that this prophecy may prove unfounded. Why should strife be induced by the application of a principle which was adopted at the very inception of Confederation?

All citizens are entitled to equal protection of the laws, and upon them is imposed an equal obligation. There can be no national unity unless that principle is accepted. I cannot bring myself to believe that any class or community will expect to assert for itself the right or the power to defy the law, and to set up for itself different standards from those which are applied to the people as a whole.

#### SINCERE EFFORT FOR UNION.

It was my strong desire to bring about a union of all parties for the purpose of preventing any such disunion or strife as is apprehended. That effort was an absolutely sincere one, and I do not regret that it was made, although the delay which it occasioned may have given opportunity for increased agitation and for excitement arising from misunderstanding. I went so far as to agree that this Bill should not become effective until after a general election, in the hope that by this means all apprehension would be allayed, and that there might be a united effort to fulfil the great national purpose of winning this war. What may be necessary or expedient in that regard, I am yet willing to consider, for ever since this war began I have had one constant aim and it was this: to throw the full power and effort of Canada into the scale of right, liberty and justice for the winning of this war, and to maintain the unity of the Canadian people in that effort.

## WILL NOT SHIRK RESPONSIBILITY

But I cannot shrink, and I will not shrink, from the determination to support and sustain the Canadian troops now at the front. It is said that the consequences of this measure should be dreaded. Why they should be dreaded, I cannot understand; for it introduces no new principle. I should rather be concerned as to what may ensue if this Bill is not passed. The legislation of 1868 and 1904 was not mere stage play; it was a serious measure with a serious purpose. The conditions which it calls for have surely been fulfilled. God speed the day when the gallant men who are protecting and defending us will return to the land they love so well. Only those who have seen them at the front can realize how much they do love this dear land of Canada. If we do not pass this measure, if we do not provide reinforcements, if we do not keep our pledged faith, with what countenance shall we meet them on their return? They have seen their friends and comrades discolored and gasping from poison gas at Ypres. They have known what it meant to have regiments decimated, to see comrades and brothers struck down. They have held on grimly in the trenches in the Ypres salient and elsewhere against overwhelming numbers and under the devastating power of the enemy's artillery when we lacked guns and munitions. They have climbed the heights of Vimy Ridge and driven the Germans far beyond it. They have answered the call of service and duty, they have fought and died that Canada might live and that the horrors and desolation of war might never be known within our borders. They went forth splendid in their youth and confidence. They will come back silent, grim, determined men, who not once or twice, but fifty times, have gone over the parapet to seek their rendezvous with death. If what are left of 400,000 such men come back to Canada with fierce resentment, and even rage in their hearts, conscious that they have been deserted and betrayed, how shall we meet them when they ask the reason? I am not so much concerned for the day when this Bill becomes law, as for the day when these men return if it is rejected. It is easy to sow the wind of clamour against the imposition of equal duty and obligation upon all Canadians for the preservation of their country; but those who make that sowing may reap such a whirlwind as they do not dream of today.

## INSPIRED BY SENSE OF DUTY

I hope that this measure will be received by the House and by the country in the spirit in which it is offered. It is presented from a sense of duty and with no desire or intention of interfering with the legitimate rights of any of the citizens of this country. It is inspired by the sincere belief that in truth we are fighting a battle which involves the destiny of Canada and of the whole world, by the strong conviction that the heritage of our country, its citizens, their liberties and their heritage, depend upon the success of our efforts.

I trust the debate will be characterized by a sense of the grave responsibilities which thus devolve upon this Parliament and upon the people. I hope that it will be conducted with fairness and moder-

ation, with no angry word or taunt, so that those who come after may know that the men of this day and generation representing the Canadian people in their Parliament, were animated by ideals and inspired by motives far above the paltry and insignificant considerations of lesser days. I hope that this measure will be so received that those who are holding the trenches beyond the seas, fighting for our security and our liberty, may realize that their trust in us is not in vain. This afternoon there are 125,000 Canadians pressing back the invaders in France and Belgium. Let us prove ourselves worthy to call them comrades. Some may have made the supreme sacrifice for Canada even as we speak. Let us summon in thought these brave comrades, firm of heart and strong of purpose, those who have fought, yes, and those who shall fight no more, let us summon them in the spirit to our deliberations, let us speak and determine as if they were in our midst.

## IMPORTANT CHANGES MADE

During the progress of the Bill through Parliament the following changes were made:

The number of classes were reduced from ten to six, namely:

Class 1.—Unmarried men and widowers without children between the ages of 20 and 35 years.

Class 2.—Married men and widowers with child or children between the ages of 20 and 35 years.

Class 3.—Unmarried men and widowers without children between the ages of 35 years and 42 years.

Class 4.—Married men and widowers with child or children between the ages of 35 and 42 years.

Class 5.—Unmarried men and widowers without children between the ages of 42 and 45 years.

Class 6.—Married men and widowers with child or children between the ages of 42 and 45 years.

Marriages contracted after the 6th day of July, 1917, shall not exempt any man from liability under any of the classes above enumerated.

The clause bringing the Act into force by proclamation has been dropped and it becomes effective on receiving the Royal assent.

\*Statistics compiled from the 1911 census figures show that there were in Canada then 636,746 unmarried men between the ages of 20 and 34 years and 428,944 married men between the same ages, a total of 1,066,740.



