

in not taking the responsibility of it. I think my hon. friend had better take the Bill as it stands.

Mr. NEEDHAM.—The Bill is not imperative,—as it stands they need not act upon it. I am not going to vote to postpone it, when eighteen out of twenty in the municipality said they wanted it.

Mr. LINDSAY.—We want the matter to go before the country fairly, that we are not willing to have this Bill forced upon them. If we pass this Bill it will go into operation under the present Council, and it is not known whether they represent the wishes of the County on this question.

Hon. Mr. SMITH.—Was not the Bill sent down here by the municipality without the amendment?

Mr. LINDSAY.—The Municipality party may have been satisfied with the Bill as it stands, but some of the people deny that they represent their wishes on this subject, and they have no more right to carry out the provisions of this Bill than the late House would have had to have decided on the question of Confederation, without leaving it to the people. The promises I made at the hustings I shall always endeavor to carry out.

Mr. WETMORE.—I cannot discover any new system of legislation in leaving a measure of this kind to the people. I do not see why two thirds of the inhabitants of a County, if they choose to impose a tax upon themselves, should be prevented from doing so, if it was not injurious to the country generally. It is a local matter, and these hon. gentlemen do take the responsibility in asking the House to pass a law in this way.

Upon the question being taken the Bill was agreed to as amended.

Hon. Mr. ALLEN moved the House into a Committee of the Whole for the further consideration of a Bill RELATING TO THE MILITIA.

Mr. YOUNG in the Chair.

Mr. CUDDELL, in continuing the discussion on the 24th Section said—I do not think there will be the least difficulty in finding men to form this camp, without drafting them. The draft works unfairly, and will tend to make the Bill unpopular, for it favors the rich to the detriment of the poor man, because if a rich man is drafted he can afford to hire a substitute, but a poor man has not the means to do so, but is compelled to leave his home and attend this camp, however unwilling he may be. I think that even in actual invasion the Government should find material to carry on the war out of the property of the country without resorting to a draft. I shall move this amendment to the section; instead of the words Commander-in-Chief, substitute "His Excellency the Lieutenant Governor, or the Commander-in-Chief for the time being, by and with the consent of Her Majesty's Executive Council."

Mr. NEEDHAM.—I do not know what the advice of the Executive has to do with the Commander-in-Chief in the regulation of officers; it would be inconsistent with this law, and would make it a mass of heterogeneous conglomerate nonsense. The Government should have nothing to do with these militia promotions, calling out men and drafting them, except it is a question of finance.

Col. BOYD.—We had better let the section stand as it is.

Hon. Mr. ALLEN.—The civil branch of the Government has nothing to do with advising the Commander-in-Chief about military movements. The hon.

member for Restigouche speaks of having one head for the forces under Confederation; that would be in Canada; surely it would be better to have that head in this Province. The hon. member for Carleton said there was no such thing as drafting men in England. If the hon. member will take the trouble to look in the militia law of England he will find that there is a compulsory law there to compel men to attend military drill. The volunteers are a separate branch of the service, and can attend or not as they see fit.

Mr. LINDSAY.—Do you say they draft the militia in England?

Hon. Mr. ALLEN.—I do; the Queen is the head of the army and the militia, and she has power to raise companies by a draft. It is the same in this country, the Commander-in-Chief is head of the militia, irrespective of the advice of the Executive Council. This has been the case formerly, and when we passed a militia law in 1862, there was no such objection taken to it as there is now. I do not say the hon. gentleman has not a right to change his mind if any thing has occurred in those years to make it necessary to repeal the law passed then, but unless they can show some reason why this power should not be vested in the Commander-in-Chief, it is wrong to insert those words. If the principle is right that the Commander-in-Chief has power to call out the militia for five days, the same principle will apply to twenty days. I do not think the members of the Council desire the patronage of appointing the officers, for they have plenty to do, and plenty of responsibility without it. Those appointments have been generally made in accordance with the recommendation of the Colonel of the Battalion, and I do not think it is desirable to make any change.

Mr. GILBERT.—I think my hon. friend, the Attorney General, does not like to assume the responsibility which this amendment would impose upon the Government. The Queen cannot draft the militia, or exercise her prerogative on any question of importance, without the consent of her Privy Council. When the militia bill of 1862 was before the House I took exception to it then as I do now.

Mr. CONNELL.—I think the Government should advise in those matters where the people are interested. We have been a Government of progress, but I fear as matters are going now we can call it by that name no longer, for we are going back to the dark ages. It has been stated that such a thing never existed as the Commander-in-Chief being advised by his Council, but if you look back to the year 1838, you will find that such a law did exist in this Province. At that time the whole resources of the Province were voted by the Legislature in order to put down the rebellion in Canada; and the third section of a law passed at that time says, "The Commander-in-Chief, by the advice of his Executive Council." That Bill was passed for the purpose of defending our institutions and aiding our fellow colonists in putting down what was called the rebellion. If the Government choose to force this Bill through the House they should take the responsibility of advising the Commander-in-Chief. At present they have nothing to do with the Bill after it passes the House, and the whole thing will be carried out by some militia colonels who will get a sword by their side and a feather in their cap,

and lord it over the rest, being responsible to no one.

Mr. GILBERT.—In reading the first section of this Act, passed in 1838, you will find that the "Commander-in-Chief of this Province, for the time being, by and with the consent of Her Majesty's Council, be and are hereby authorized to enroll and organize, &c.," but you look at the sixth section you will find that the power to call out is entirely with the Commander-in-Chief. Thus it will be seen that this law does not strengthen my hon. friend's amendment.

Hon. Mr. ALLAN.—The hon. member for Carleton has been in the House for a number of years, but he has never raised an objection of this kind before. He does not take the same view of it as he did when he was in the Government. Has any practical evil resulted from the power being vested in the Commander-in-Chief? Because some persons in Carleton choose to wear cocked hats, the hon. member "thinks it is all nonsense." Is it not a principle that all militia power should be vested in one head, who should direct their movement and disband them when necessary? When money is to be expended it is done by the advice of the Council, and it is a check upon the Governor. He may call out men, but unless the Executive appropriate money they would not stay long. The ruling power by this means remains with the Executive, because they have the control of the finances, without which these organizations could not take place at all. I think if this amendment is to be carried, it will affect the whole principle of the Bill, and our entire militia organization be subverted.

Mr. GILBERT.—Let me call your attention to the 29th section: "The Commander-in-Chief may make arrangements for the transport of such companies to the place of assembly and for their return thence, and in case of companies coming more than — miles may pay their reasonable expenses of transport."

Hon. Mr. ALLAN.—You will see in the 2nd clause of the 28th section that the pay is to be regulated by the Governor in Council, and I thought I had regulated the 29th in the same way. The right to control the money is invested in the Governor in Council.

Mr. GILBERT.—Where is the difference between loss of time and money? Is not the loss of time a loss to the country in the shape of loss of labor?

Hon. Mr. ALLAN.—I cannot say it is not a loss of time and money, but something of this kind is necessary in every country. To pass this amendment would interfere with the whole arrangements of the law. It might be necessary to do something with the militia when it would be impossible to call the Council together. It is a principle that there should be one head to the army and navy, and why should it not be so with the militia?

Mr. LINDSAY.—That case applies only to actual invasion. The Executive know when it is necessary to call out the militia, therefore it should be left to them; for they are responsible to the country, and know its wants and wishes. But after the men are called out let the Commander-in-Chief take the responsibility of their manœuvring.

Mr. NEEDHAM.—The Government are responsible for every thing connected with the political interests of the country, but the militia is a separate organization, and is not connected with the political Government at all.

Hon. Mr. ALLAN.—The law passed in