

1862 declares the Governor shall be Commander-in-Chief in the absence of the Governor General. The same provision applies to Nova Scotia, although it may not be in precisely the same words. It applies also to Canada, for our militia law of 1862 was copied from the Canadian, and is nearly identical in terms. If we pass this amendment it will repeal that law, and there will be no uniformity in the militia law of the three Provinces.

Hon. Mr. SMITH.—In Canada the principles of Responsible Government exist in all their purity, and if it was desirable to have this alteration, it would have been claimed in that Province. The Governor of Canada is *ex-officio* Governor of the other North American Colonies, and it is desirable that there should be uniformity in our legislation, so that we should not have a different law from the other Provinces.

Mr. GILBERT.—Could the Commander-in-Chief in Canada call out the militia without the consent of the Executive?

Hon. Mr. SMITH.—He could, though very prudent Commander-in-Chief should consult with his Council, yet there is no such thing as the Governor's being obliged to do so. If hon. members think it is desirable that the Government should be consulted in regard to the appointments made in the militia, it should be discussed independent of this Bill, and I am not prepared to say which side I will take on the question.

On the question being taken on the amendment the House divided—yeas 9, nays 14.

Mr. GILBERT moved that all the words in the 26th section after "Officer of the Battalion" be struck out. Motion lost.

Mr. CUDLIP moved that the following clause be inserted in the 28th section: "The pay of any officer shall not exceed that of a Captain in Her Majesty's Infantry regiments, to be determined by the Governor in Council," in lieu of part of the first section, which says—The officers shall receive during the time of service the same pay as officers of corresponding rank in Her Majesty's Infantry regiments.

Col. BOYD.—The Colonel will select the best officers he has to go to this camp, and if they are not well paid they will not be willing to go, and that will be the end of this camp instruction. There is a responsibility attached to those officers, besides a great deal of expenses, such as keeping horses, thus making it necessary for them to have full pay.

Mr. WETMORE.—I am at a loss to know why these officers should be put to extra expense. They attend this camp because they have a very proper zeal to look after the interests of the force and render it efficient. They ought not to expend more than the men, if they have their ration. (Mr. Allan: They do not.) They should receive rations the same as the privates, otherwise the colonels might be disposed to lord it over them. They might keep horses and an orderly or two, and though I might admire this sort of thing, yet I do not think it would conduce to the advantage of the military service.

Mr. LANDRAY.—The gallant colonel has disclosed the secret. The officers are going to have horses, &c., the same as if they were going to meet an enemy, while the privates have to lose their time by coming to this camp to support their dignity. In this camp instruction there should be no distinction made between the pay of the private and the officer, for the private may be the better man of the two.

Mr. CORNELL.—In Canada they have a military school, in which the officers are divided into two classes, the first class get \$100 and the second class \$50, and they drill until they understand the thing perfectly. It would be better for us if we were guided more by Canada, not only in this, but in the Confederation scheme.

Hon. Mr. HATHEWAY.—It would require a great stretch of the imagination to think that the Government could form any scheme that the hon. member from Carleton would agree to. I was told that he said he would resist the draft if he saw drawn—my boys are only too anxious to go without the draft. He said it was going to be a useless Bill, and he would fight it through section by section. If it is such a use as Bill, he had better allow it to be made as ridiculous as possible, and then the odium and ridicule thrown upon it will defeat it. The question now is, whether or not we shall give the \$30,000 under a Bill, as nearly in accordance with the acts of Canada and Nova Scotia as it is possible to make it? The Attorney General has spent a great deal of time preparing this Bill, and I hope it may be allowed to pass, although some of the members of the Government have doubts whether any great amount of good will result from it.

Hon. Mr. ALLAN.—I think the scale mentioned in this additional section is high enough.

Mr. LEWIS.—I am in favor of this amendment, because you should allow what is fair and right to the officers, for they have to spend money for accoutrements.

On division of the House this amendment was carried.

Col. BOYD moved that the following be the 84th section of the Bill: That no militia man employed in the deep sea fisheries shall be liable to be called on to do duty as such in any camp instruction during the fishing season between the months of April and November.

Hon. Mr. ALLAN.—Any person drawn can procure a substitute, and if you make one class of people you will have to make another.

Col. BOYD.—It is well known that we have in the County of Charlotte a number of vessels that go to Labrador and the Gulf of St. Lawrence. These vessels have to depart by the middle of April, and if they are drafted the voyage must be broken up.

Mr. LANDRAY.—If you draft a man that is working a new farm, you break up his business just as much as you break up the fisherman's, and justice when it comes to be even handed, ceases to be justice.

Mr. HILL.—If the farmer is drafted, he simply loses a month; but the fisherman loses the whole season. The Attorney General did not take into consideration the fact that this country requires a navy as well as an army, and these fishermen are training for a navy, and should not be called upon to serve on land.

Mr. GILBERT.—This draft will be doing the fishermen a great injustice by taking them away from their business; these sailors may be required when a draft for a navy is enforced.

Hon. Mr. SMITH.—The Attorney General should have excepted this class of people. This draft is taking their employment from them, for they sometimes have a share in the vessel, and it is absolutely necessary they should go on their voyage in the spring.

Mr. GILBERT.—I am prepared to sustain the amendment, and believe there

should be no draft at all, because there will be hundreds of volunteers from all parts of the Province. The same arguments that apply to the fishermen will apply with equal force to the farmer, manufacturer and lumberman. The farmer may be prevented from putting in his crop. The manufacturers of lumber may, during the sawing season—that is in the spring of the year during the freshet—have the men drawn out of the mills, and thus causing them a great deal of trouble and inconvenience. The exception should also be extended to the Grammar Schools and Universities throughout the country, for there is no greater injury you can do upon the young men of the Province than hastily calling them from their homes to attend this drill exercise for twenty-eight days. They will never become good citizens afterwards, for they will have a desire to be engaged in this sort of sailing.

Hon. Mr. SMITH.—I thought we had determined that question about the draft, but my hon. colleague has made an attack upon his constituents that I feel called upon to answer. He says the men attending this camp will be useless hereafter. It is a slander upon the young men of the country, for there are plenty of young men who can stay twenty-eight days in this camp without spoiling their morals, or unfitting them for becoming useful citizens.

Col. BOYD.—The case of fishermen is not parallel with that of the lumberman or farmer. The lumberman can work in the woods all winter, and the farmer can work on his farm all summer, but the fisherman loses his whole year's work, therefore he should be exempt.

Mr. WETMORE.—This is a very reasonable proposition, and should be extended to all fishermen instead of those only who are engaged in the deepest fisheries, for I do not see any reason why they should be exempt more than the others.

This amendment was lost—yeas 11, nays 15.

Mr. WETMORE called attention to the 97th section, which says: "If any person shall wilfully interrupt or hinder any militia man at drill or on duty, or at target practice, or shall trespass upon any lands or range marked out or set apart for that purpose, every such person shall be liable to a penalty not exceeding \$100 for each offence, and may also be taken into custody by verbal order of the Commanding Officer, and detained until such drill duty or practice is performed," and remarked that these powers were too extensive, for the Commanding Officer might have a spite against some person, and would walk him off into limbo, keeping him there for the remainder of the twenty-eight days, simply because he might happen by chance to walk on the grounds set apart for drill exercise.

Hon. Mr. ALLAN.—Some persons may interrupt the practice, by running through the men or standing by the target, and there should be some power to arrest him at once, instead of having to go to the Magistrate and get out a summons for him to appear next day, the men thereby losing a whole day's practice, and this man probably not worth a farthing.

Mr. NEEDHAM.—I think it better amended in this way: "Any person wilfully interfering, or shall wilfully trespass on any lands set apart for such purpose, may be taken into custody by the verbal order of the Commanding Officer, until such practice is over, and for every offence offences he may be fined."—

Mr. GILBERT.—He is to decide whether it is a wilful trespass or not? It should