

was known. The honourable member for Lambton in speaking on the motion of the member for Monk stepped out of his way and made allusion to an officer in Simcoe, and as he (Mr. F.) was that individual, he would crave the indulgence of the House while he briefly stated the facts, and said that his own Lieutenant took it upon himself to make complaint against him on several matters connected with company affairs and occurrences on the way to Fort Erie, that a Court of Enquiry was appointed and held at Cookstown, that some 18 witnesses were produced by the Lieutenant in proof of the charges preferred and heard, and some 13 other members of the company brought forward by him (Mr. Ferguson) who were examined; also, that he had some 22 witnesses more, and certainly the most steady, reliable and credible in the whole company, ready and willing to give testimony in the case. Col. Dennis, knowing that fact, intimated that he had heard sufficient to satisfy him that the charges made were not sustained by evidence, and that he felt it unnecessary to continue the investigation further for the present. Stating as he did that after he went to Toronto, and considered the evidence taken insufficient to acquit him, (Mr. F.), he would then return and take the evidence of the remaining 22 witnesses, all of which he well understood would be in his behalf. That from that period up to the present, he had not heard what the report or result was, other than that upon one occasion he (Mr. F.) spoke to Col. Macdougall on the subject, and was informed that he deemed it unnecessary even to call the attention of His Excellency the Governor-General to the matter. Such are the facts, and facts that could not be gainsayed, and which he trusted would be sent forth by the press, so that Col. Dennis, who is the best judge of the truth, or otherwise, of the statements he (Mr. F.) had made. He was obliged to the honourable member for Lambton for the allusion he had made, and affording him (Mr. F.) the opportunity of saying what he had, only regretting that time did not admit of his entering more fully into the details of the case.

The House then rose.

After the recess—

Mr. Blanchet thought the Minister of Justice took the proper view of the question. It was not the conduct of Colonel Dennis that was now under discussion, but of the whole volunteer force. The British Parliament made enquiries into the domestication of the army,

but that and enquiring into the conduct of individual officers were two different things. The conduct of an officer who had done his duty could not be brought under investigation of the House without great injustice.

Mr. Mackenzie understood that one reason why the report of the Court of Enquiry was asked for was precisely because Colonel Dennis was charged with cowardice.

The Minister of Justice said no such charge was made.

Mr. Mackenzie—it was not made before the Court, but it was made in the country. It was said that he changed his appearance and hid himself in a hay stack.

Sir John—It was not made before the Court, how could it take cognizance of it?

Mr. Mackenzie—We really did not know what was before the Court. He had no doubt the honourable member who moved in this matter could, but for motives of delicacy, have given very satisfactory reasons for pressing this motion. The inquiry in the case of Colonel Booker was not considered satisfactory by the country, and this succeeding it, would deepen the unfavourable impression on the public mind; and in order to remove that impression and protect the volunteers from such charges, he thought the papers should be granted.

Hon. Col. Gray said, he was not sufficiently acquainted with the case, but so far as he knew the officer had been charged and handsomely acquitted. Parliament was the ultimate tribunal. Did the party accused complain? On the contrary, he was well satisfied. The question then was: was there any public interest that the report should be published? A Court of Enquiry was a preliminary investigation, and like the proceeding of a grand jury its deliberations were private; if there was no bill the evidence was never published. If the officer was acquitted by the enquiry there was nothing against him. He argued that there was no reason for the motion except the curiosity of the locality where the action took place. If blunders were committed pointing them out would give evidence to the enemy of a weakness which it was desirable to conceal. The proceedings in such cases in the regular service were secret, except with the permission of the Commanding officer.

Mr. Cartwright said the motion, if it meant anything, meant that this House should constitute itself into a Court of Appeal to try the conduct of the Court of Enquiry.