

necessary to add to the kit allowance a sufficient sum to put them on the same footing by paying them interest for three and a half years.

Sir JOHN A. MACDONALD. I dare say we shall be able to deal with that matter.

Mr. MULOCK. I only suggest it now, in case it might be found that the amount placed in the Supplementary Estimates would not be sufficient.

NORTH-WEST MOUNTED POLICE.

Mr. DAVIN. With the consent of my hon. friend, the member for Alberta (Mr. Davis), who seconds this motion, I will make a slight change in it. Before moving it, I should like to make a few remarks as to my reasons for proposing the motion. Generally speaking, I think that the immediate object of a motion like this might be accomplished as well by going to the Minister dealing with the department, and discussing the matter with him, but there are peculiar circumstances in the North-West which I think make it necessary and expedient, in the interests of the public service, that I should make the motion I do here to-day. I desire to call the attention of the House, and of the Government, to the enormous powers which are given to the commissioner of the North-West Mounted Police by the North-West Mounted Police Act. According to the 18th section:

"Every member of the force, other than a commissioned officer, who is convicted of any of the following offences:

- "(a). Disobeying the lawful command of, or striking his superior.
- "(b). Oppressive or tyrannical conduct towards his inferior.
- "(c). Intoxication, however slight.
- "(d). Having intoxicating liquor illegally in his possession, or concealed.
- "(e). Directly or indirectly receiving any gratuity."

and so on. A number of possible offences and possible breaches of discipline are mentioned, and here comes the sub clause declaring what the power of the commissioner is, that any man committing any of the offences mentioned, which reach from *a* to *v*,

"Shall be held to have committed a breach of discipline.

"The commissioner, assistant commissioner, or the superintendent commanding at any post, or such other commissioned officer as is thereunto empowered by the commissioner, may forthwith, on a charge in writing of any one or more of the foregoing offences being preferred against any member of the force, other than a commissioned officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge or charges, and on oath, if he thinks fit, and, if proved to his satisfaction, shall thereof convict the offender, who shall be liable to a penalty not exceeding one month's pay, or to imprisonment with hard labor for a term not exceeding one year, or to both fine and imprisonment, in addition to any punishment to which the offender is liable in respect of such offence under any law in force in the North-West Territories or in any Province in which the offence is committed."

Another clause provides that he may be summarily dismissed. What I wish to call the attention of the House and the Government to is this, that the commissioner gets a power greater than Lord Wolseley has, greater than the commander-in-chief of the Imperial forces has. There is no man in Her Majesty's service in the Empire who has power to deal with a common soldier as the commissioner of our North-West army has to deal with a constable. Any man who reads the Queen's Regulations will see that these regulations provide for a gradation of offences and a gradation of punishments. I grant that, in the early days, before you had railways and when the police were isolated more than they are now, you might give a power to the commissioner or his representative, the assistant commissioner, or the inspector, or the superintendent, as vast as he is given there. But, on the face of that Act, and particularly of that 18th clause, any man would see that there is a very great danger indeed of the abuse of such a power. Even if you were to take a judge from the bench, a man accustomed to deal with issues, and were to place him with a power like that in a case where there was no appeal, no

surveillance whatever, where he would have absolute auto-cracy within himself, there would be a danger of an abuse of a power so vast; but the average man, no matter how capable he may be, whom we get to be commissioner of the police, if he have a military training, is not fitted by that military training for the exercise of the nicely balanced judgment which is required in a judge; and, if he have no military training and no experience, and such a power as this is placed in his hands, there is a great temptation and a great danger, no matter who the man is, that the vast power so conferred upon him may be abused. My object in making this motion is to effect a general rather than a particular purpose. I find that the returns I asked for could not be ready this Session, and it has been represented to me from other quarters in the west that several of our best sergeants and other non-commissioned officers, at the present moment, are men in whose record some flaw might be found. I should be very sorry, in seeking to accomplish a public end, to place on public record stains on the past history of a man who may be now doing well and serving his country, when the object I have in view can be accomplished in another way. I, therefore, move for a return of the papers in the case of A. D. Looz of the North-West Mounted Police, the nature of his offence, before whom tried, his length of service, his previous record for good conduct or otherwise, and the punishment given, and whether the proceedings were public or otherwise, and whether the accused was allowed to make any defence. I have taken this one case from a number of others, and I think I need not say that I have not by any means taken the strongest. I have taken what I thought was an average case which was treated with great severity. It is a very common thing for a man who is unaccustomed to deal with judicial proceedings, or to exercise judicial power, or to legislate, to think—as the history of all legislatures and of all criminal proceedings in all countries shows—that severe punishments are likely to accomplish the most salutary ends. But we know very well that unless we nicely adapt the punishment to the conscience of the community that are around the person punished, the end of the punishment, instead of being salutary, is the reverse. In the mounted police, with which I am dealing just now, I have observed this—unless the punishment more or less corresponds to the offence, the salutary effect is lost. When it is too severe the strong adverse criticism in the force against the severity, reacts badly on the discipline of the corps, and outside it finds an echo, so that there is a double influence working to prevent the punishment having the effect it ought to have. Now I will mention a case that I have selected from others, which I consider requires very strong punishment; it is also a case that will strongly appeal to the sympathies—and a severe punishment will appeal to the sympathies of the people, and I have taken it for that reason, I have selected this case because I want to show that, although in learning of the facts myself, I felt indignation, I felt that a very severe punishment was necessary—yet I think I can show the right hon. gentleman who both as Prime Minister and as taking control of the mounted police, is doubly interested in this matter—I think I can show him that here is a case of severity of punishment in which, on account of its severity, the punishment fails in the very effect that it is intended to produce. This man came down to Regina; he got drunk, and he insulted a lady on the street—tried to kiss her. It was a very grave and serious offence; and when he was going to the barracks in a waggon, it seems that there was a young woman coming up in the waggon and there were several police there, and his conversation and utterances were of a very gross kind. Now, Sir, I say that man, taking into account his character and his official position—he was a constable, his position was to guard against outrages of that sort rather than to commit them—I say that it was a very gross offence. I can easily