

West Mounted Police for breaches of discipline have been too severe. I stated in my opening remarks that I instanced this case, not as the worst case that could be taken, but as a case that I thought would be but a fair specimen. I hold that this was a great offence on the part of the constable, and I emphasised the fact that he had been a peace officer, just as my hon. friend dwelt on that point also, but I hold that neither the Minister of Justice, nor the Premier, nor any man in this House who is fit to pronounce a judgment on such a subject, will say that that sentence was not far too severe, and that the punishment was out of keeping with the offence committed. There are other cases of a severe character, and I repeat that it is notorious in the North-West that these punishments have been too severe.

Mr. MULLOCK. I think the hon. gentleman should not make those broad and general charges on the floor of this House against Commissioner Herchmer. If I might suggest to the First Minister a course, I think he might very properly ask that the hon. gentleman should not make those sweeping charges against this judge, without giving particulars. This is an aggravation of the hon. gentleman's original offence.

Mr. DAVIN. Mr. Speaker, am I to be told that on the floor of Parliament a man cannot deal with a subject which is publicly bruited about in the large district to which he belongs. Suppose we were discussing, not these constables who are completely at the mercy of any man having the uniform of an officer, before whom they are tried, but persons of great wealth and standing and great influence in this country, we should not find hon. gentlemen talking about a matter of which they know nothing whatever. I do not know what the motives of these hon. gentlemen may be, for I will not attribute unworthy motives to them, but I will tell the House that so long as I have a seat in this Parliament, so long the persons who have few friends, so long the persons who are weak and who have no advocate, shall always find an advocate and a helper in me. You cannot imagine a more helpless being than a constable in the North-West Mounted Police who should be charged with any offence. Now, as the commissioner is a judge, I will suppose for a moment—though, perhaps, I should not suggest such a thing as possible—that he should be a man of violent passions, of a vindictive turn of mind, or a man given to favoritism. Will any man tell me that it is a nice position for a constable to be placed, under the heel of a man of that character and possessing so much power? If he takes a prejudice against a man, he could give him twelve months' imprisonment for the smallest of the offences enumerated in that 18th clause. My right hon. friend, and the hon. and learned gentleman behind me (Mr. Mulock), spoke of an appeal. Of course, there is no appeal, except in a figurative sense; this Act provides for no appeal. Who hears of the case? A man is brought before this "judge;" his case is tried; he is sentenced; how are you to get at the facts? You know very well that the avenue to the true public is carefully guarded. Now, I say it is the duty of this Parliament and the duty of the Government to provide for such a state of things by such legislation as will secure—because it can be done—all the authority necessary to the officers of this force, and at the same time afford some protection to the members of the force who happen to be charged before the commissioner or before any officer. I am not now charging anything; I carefully abstained, in my opening remarks, on grounds that would appeal to any man, from making this a personal question. But I am sorry that it is from the Reform or Liberal side of this House that two voices should be raised, wantonly raised by men knowing nothing at all about the matter in issue, and raised in the favor of tyranny. My voice was raised in favor of producing a state of things that would not impair discipline or authority, but rather add to the authority of

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this so-called judge—because it is only in a figurative sense that he belongs to the great category of judges; my object was not only not to impair, but rather add to his authority, and also to afford to those who might be brought before him such small protection as might be given by regulations that would be quite consonant with the utmost and severest discipline. Now, with great deference to the right hon. gentleman, though I agree with him that punishment in such a force must be severe, I ask him, if you deal out the severest punishment, which is twelve months' imprisonment, for an offence that ordinary judges would regard as properly punished with three months' imprisonment, what punishment are you going to inflict when a very grave offence has been committed? I again repeat that the history of criminal jurisprudence shows that unless you adapt the punishment to the conscience of the community around you, and in some way make it balance with the offence, your punishment fails of its effect. Anyone can look at the record of this case, which will be found in Mr. White's books in the Comptroller's Office. The facts of the case are well known in the North-West, and I do not think anything would be gained by having the facts of one case placed before us. I rather think my hon. friends will find, notwithstanding their criticisms, that the object I have in view will prove to have been effected, and I hope we shall see some arrangements made whereby discipline shall be preserved, and the constables will not be wholly helpless when they stand before the commissioner. I withdraw the motion.

Mr. PATTERSON (Essex). Before the motion is withdrawn, I wish to say that I have been very much impressed, indeed, by the eloquence of the hon. member; but I understood him to state that during the past three years, sentences of undue severity have been passed upon officers subordinate to the Commissioner of the Mounted Police; and in order to strengthen the hon. member's position before this House and the country, I think he should be given an opportunity to answer this question: Has the hon. member officially communicated with the head of the department during the past three years, any case or cases where undue severity has been inflicted upon any of these subordinate officers, or has the case which he particularises, and which, according to his statement, occurred about six months ago, been officially brought by him under the notice of the head of the department?

Motion withdrawn.

SITTINGS OF THE HOUSE.

On the Order, resolution declaring the inexpediency of the practice in the House of Commons of Canada of remaining in Session past the hour of midnight, and providing for the discontinuance of the same.—(Mr. Charlton.)

Mr. CHARLTON. I thought of asking that this question should stand, but I think we can get through with it by six o'clock. It hardly needs any argument on my part, I think, to convince hon. members of this House—

Sir JOHN A. MACDONALD. I wish to make a suggestion to my hon. friend. I understand that some of the members, the younger members especially, like my hon. friend the leader of the Opposition, and my hon. friend the Minister of Public Works, have appointments elsewhere this evening, and perhaps it would be as well if the House did not meet after six o'clock. That being the case, perhaps my hon. friend had better not press his motion, as the discussion would probably last till after that time.

Mr. CHARLTON. I suppose my motion will keep its place.

Sir JOHN A. MACDONALD. Certainly.