

I hope the hon. gentleman, having brought this matter up, and having obtained from me a statement that the case will be looked into, and having stated generally his views on the subject, will be satisfied, and will withdraw his motion.

Mr. WATSON. I think if this motion is allowed to pass, it should pass in the form in which it appears on the Notice Paper. I do not, however, think that the House should allow it to be withdrawn. Commissioner Herchmer was appointed by the Government to command the Mounted Police, and they, no doubt, felt he was a good man for the position. Very few constables in the Mounted Police have been punished for insubordination, and I believe that, generally, they act up to the rules and perform the duties for which they are appointed. Any person who has read the *Regina Leader* for the last few months must feel that the hon. gentleman who has brought this question up in the House is actuated more by personal animosity towards that gentleman than anything else.

Sir JOHN A. MACDONALD. Order.

Mr. WATSON. The *Regina Leader* has abused Commissioner Herchmer, and I would suppose that the cause of this action has more connection with the editor of that paper and Commissioner Herchmer than anything else. It appears to me, as the First Minister has stated, that the punishment given this constable is none too severe; and in justice to the commissioner all the evidence taken should be brought before this House, so that hon. members will be able to decide whether the commissioner was doing his duty, as the officer in charge of the North-West police, or not.

Mr. MULOCK. I think it is to be regretted that the hon. member has made this motion. It is, in fact, an appeal to the House from the decision of a judicial officer without the hon. gentleman having first adopted the means within his reach of taking an appeal to the Minister of Interior. Until he has done that, and until justice has been denied, I think it is a great mistake to have appealed to Parliament, and Parliament cannot too strongly emphasise its disapproval of such proceedings. We will have it announced throughout the country that this appeal has been taken from the action of a judicial officer—for the commissioner is a judicial officer, and one of the series of judicial officers extending from the highest judge in the land down to the ordinary magistrate. And if it is to be the practice that every time a decision is given against the view of an hon. gentleman, and, perhaps—I do not say it exists in this case—having a grievance, and, therefore, unable to take a disinterested view, and who may therefore assume that the decision is not a reasonable one, the case has to be brought before Parliament, that is a proceeding much to be regretted. Whatever may be the condition of affairs, I think, until every other intermediate tribunal has been exhausted, this House should not be appealed to in any case. I am glad the First Minister has expressed disapproval of the conduct of the hon. gentleman, and I trust it will be a long time before the judiciary, for this is a branch of the judiciary, will be threatened in this manner again. As one interested in the maintenance of law and order, I hold that a practice such as this will be destructive of all law and order, and we cannot too strongly emphasise our disapproval of an hon. gentleman appealing to the House under such conditions.

Mr. DAVIN. I am exceedingly glad that I brought forward this motion. I am glad for two reasons: first, because I have heard the weighty utterance of the right hon. gentleman, that the matter will be considered in the case of this man. But that is a small matter, for I have not merely done that, but, as Desdemona says to Othello, "I understand a meaning in the words but not the word." There is more in what the Prime Minister has said than what met the ear of

Parliament, because I know, from what the right hon. gentleman said, that this matter will be looked into thoroughly and that the object I had in view will be attained. As for the criticism from the hon. gentleman for Marquette (Mr. Watson) who knows so much about this thing, and the criticism full of knowledge of my hon. and learned friend the vice-chancellor of a university (Mr. Mulock) who connects the position of Commissioner Herchmer, adjudicating in offences against discipline on one of those constables, as a part of the judiciary of this country—as for their criticisms, they are beneath reply, Sir, because they are beneath contempt.

Some hon. MEMBERS. Explain.

Mr. DAVIN. I am not surprised that motives should be attributed to me by the member for Marquette (Mr. Watson), because the sole weapon which seems to their minds to have any cutting power in it, that ever is used by Opposition members, is some miserable, dirty weapon of attributing motives when they do not utter slanders. Let me tell him that, without using any unparliamentary language, I can fling back his invective.

Mr. WATSON. Can you?

Mr. DAVIN. Cannot I? I can! There is a document in the possession of the department of which the right hon. the Premier is the head, which can be produced, and which will prove that, in so far as I had any influence in the North-West, I was most unwilling that anything should be said against Commissioner Herchmer. That document is in existence.

Mr. WATSON. Is it the *Regina Leader*?

Mr. DAVIN. The *Regina Leader*! No. That document is there, and it will show that, so far from having any enmity against Commissioner Herchmer, I can say with the utmost truth that neither in the past nor at any other time have I had the least ill-feeling against that gentleman. I say that here in Parliament, and I can say it in a more solemn place if necessary, and I repeat again that I never had any enmity against Commissioner Herchmer. The criticism of that learned gentleman behind me (Mr. Mulock), who may one day be a judge in the event of two conditions—either that the hon. and learned member who leads the Opposition in such a distinguished manner should cross the floor, or if some other chance event may take place. That hon. gentleman says that this is part and parcel of the judiciary of the country.

Mr. MULOCK. How did this man come to be in jail for twelve months, if Mr. Herchmer is not a judge?

Mr. DAVIN. He comes to be in jail on account of the North-West Mounted Police Act.

Mr. MULOCK. Who sentenced him?

Mr. DAVIN. Commissioner Herchmer did. I grant you that the man who sentences another is a judge, but will any man say that the word "judge," in his case, bears the same signification as the word "judge" applied to one of the judges of the Superior or County Courts. When the hon. gentleman attempts to use an argument that way he uses a term (if I may talk in the language of logicians) that is undistributed, and his reasoning is fallacious. The North-West Mounted Police Act gives the commissioner power to deal in the most summary manner, and I can tell the member for Marquette (Mr. Watson), who is so fond of talking about North-West matters, and who pretends to be such a great friend of the North-West, that the people of the North-West—and that important portion of it, the Mounted Police—will not thank him for the statement he has made here to-day. It is a notorious fact, as any man who knows the North-West knows, that the sentences that have been passed during the last three years on the North-