

command of a troop, to which he was entitled, on the 12th of November, he was called up for examination, and the examination being only in a small portion of the work, he was rejected. He was forced to the examination after having been only five or six weeks out of school. It is urged that he was there for months; but the petition alleges that the school was not organised until the 15th of October. The petition alleges further that when called up for examination, he was not given the opportunity of being examined in all the subjects, but he was so unfairly tested that, even had he obtained full marks in the subjects in which he was examined, he would not have obtained sufficient to entitle him to pass. Further, from the facts set forth in that petition, it does not appear that he failed in respect of one subject by which he could be rejected. It is therefore evident that he did not receive that fair examination that the law entitled him to. It appears that he was forced to his examination, when he should not in justice have been forced to it. A motive for the conduct of the commandant was supplied by the alleged fact of his having committed the offence charged. The gravity of that offence is sufficient to make me hesitate to assert anything more than the petition states. Thereafter, the commandant reported to the proper authorities, where Mr. Browning is stationed—and I may say he is a resident of Toronto and an officer in the Governor General's Body Guard; and the communication from the commandant passed through the various channels, and ultimately reached Mr. Browning. That communication asserted that Mr. Browning had failed in his examination, had been guilty of insubordination, and had given the commandant an infinitude of trouble during the time he was at the school. Mr. Browning felt that that was a charge which demanded investigation, and he asked for particulars in respectful and proper language, but they were never furnished to him. The conclusion I have arrived at from a perusal of the Queen's regulations and the English law applicable to the case, is that when an officer complains against his superior officer, it is not competent for the commander of Her Majesty's forces in Canada to deliver final judgment. But that is what was done in this case. Mr. Browning presented his letter for an investigation of the charge against him by Commandant Turnbull. The application of Lieutenant Browning for an investigation was submitted to the Minister of Militia. The Minister felt that he had not the power to interfere, and he did not interfere, although I submit that his duty, under the circumstances, was to have obtained the report of the officer commanding, and to have submitted that report to the Government, as nothing short of the Government can adjudicate upon such a case. I am sure there are members of this House who can testify to the capacity of Lieutenant Browning as an officer. There are those who met him on the field; and he was desirous of further serving his country in the way I have indicated. He writes that he has been unjustly deprived of his position in the service, and that an attempt is now being made to drive him therefrom in disgrace. That is a state of affairs that the honor of this country cannot permit. If he is deserving of dismissal, he at least has the right of a soldier to a fair enquiry, and I think the papers will show that he has not received that consideration in this respect which every officer and every private is entitled to. To illustrate the mistake that has been made, I may say that when Lieutenant Browning's letter asking for an investigation, setting forth the facts and casting reflections upon the honor of Colonel Turnbull was sent through the various channels to Major General Middleton, that gentleman forwarded that communication to Colonel Turnbull for his report in regard to the grave charge made therein against him; and Colonel Turnbull neither confessed nor denied it, but simply made a marginal note that he had nothing to say in regard to it. That is stated in the city of

Mr. MULOCK.

Toronto by the officers. Now, it is due to Colonel Turnbull that his conduct should be investigated, and it is due to Lieutenant Browning, if there has been any denial of justice to him, that the pending order against him should be cancelled and he should be reinstated in his position, and allowed to take that full course of instruction to which the law entitles him. It is also due to him that he should have a fair enquiry into the alleged case of insubordination. Had time permitted, I would have gone fully into this matter, but, under the circumstances, I leave it as it is, expecting that the Department will, in view of the matter set forth in this petition, deal with this case as justice demands. I may further say that a perusal of the petition laid upon the Table shows that, as a last resort, before appealing to this House, Lieutenant Browning personally attended before the Minister of Militia and argued his own case. I do not know, of course, what occurred, but the petition alleges that the Minister of Militia, in giving final judgment, said he had investigated the case with a great deal of care, and that if he could give Lieutenant Browning relief, more especially as he had been informed by Lieutenant Browning's friends, who had written him on the subject, that Lieutenant Browning was a good Conservative, he would do so. I do not deny to a Conservative the justice he is entitled to, but it will be a fatal day to the Militia of Canada when the politics of any officer should have the slightest weight with the authorities.

Sir ADOLPHE CARON. The hon. gentleman has shown that the course which I have invariably followed has been not to allow politics to interfere in the management of the Militia Department. The hon. gentleman has just stated that Lieutenant Browning told him that, in investigating the matter, I had told Lieutenant Browning that however much he was reported to me as being a strong Conservative I did not consider that I could interfere. My reason is obvious. This is a matter of military discipline which came under the major general commanding. He made a report, and my excuse for not going into the case is really what the hon. gentleman gives himself, that time does not permit. I looked into every report that was made, the report of the major general and the report of Colonel Turnbull. The latter gentleman is an officer well known who has made of the Cavalry School of Quebec a great success. We have never had any charge against him, and in his report he contradicts every statement made by Lieutenant Browning. However I told Mr. Browning's friends that if he chose to make charges against the Cavalry School, I was willing to have a court of investigation appointed. With reference to the charge made against Colonel Turnbull, in so far as drawing rations in the name of Mr. Browning is concerned, this is the practice followed in the school. In many cases, the cadet comes in bringing his own horse, and is allowed \$1 per day for his time, and his rations are served out. In other cases, where a cadet does not bring in his horse, one is told off to him and rations drawn in his name, so that his time at school counts from the time he comes in until the time he goes out. The horse is essential to him, and rations are drawn in his name. There is, therefore, nothing at all in the charge made against Colonel Turnbull. The hon. gentleman must know that in the General Orders, under paragraph 106, if an officer after a short course in any school of instruction fails to pass the examination he may be retired; and the major general, if he has sinned at all, has sinned in this case on the side of leniency. Lieutenant Browning was reported as being insubordinate. The major general did not choose to courtmartial him, but fell back on the General Orders and retired him. However, I am ready to grant a court of enquiry and into the statements made, which are supported by the two officers, Lieutenant Hewitt, well known in Toronto, and Lieutenant Lessard, who formed the staff of the Cavalry School of Quebec.