

PARLIAMENTARY.

Wednesday 5th in the Commons.

Mr. MACKENZIE moved address for production of report of Court of Enquiry to investigate charges preferred against Lt. Colonel Shaw, Brigade Major, Kingston.

Mr. McKENZIE said notwithstanding the statement of the Minister of Militia the other day, that the motion would be opposed, he would, nevertheless, press his motion, as he thought it would lead to a sad state of things if Members should allow themselves to be deterred by such threats. He said that such motions were frequently put and allowed to pass in the British Parliament.

Sir GEO. CARTIER said the member for Lambton had correctly defined the position he (Sir George) had assumed when the motion was called a few days ago. The hon. member must be quite conversant with British practice and must be aware such motions were resisted in the Imperial Parliament. He then referred to a case in point which had been brought before the notice of the English Parliament, and had not been allowed to be carried. This House had last year adopted the practice in England in the case of Col. Denison, and it was quite proper that Parliamentary interference should be disallowed, for Courts of Enquiry were matters of military discipline. The House was quite conversant with the points in this case, and he was sure the hon. mover had not made out a case for the production of papers. He then referred to the case of Colonel Dawkin, and quoted from Honsard in the same case to show the practice in England, and contended that the principle followed was, unless a strong case of personal grievance was made out, the British Parliament refused to interfere with the decisions of Courts of Enquiry.

Mr. BOWELL was understood to say that the whole trouble had arisen from the high-handed acts of the late Adjutant General. He admitted that as a general rule the principle laid down by Government was followed in England, but there were cases in which it had been departed from.

Mr. BROWN said if this motion were entertained the House would be flooded with appeals of that nature, it was important to maintain military discipline, and on that ground he should oppose the motion.

Hon. Mr. HOLTON was understood to acquiesce in the principle laid down by the Government, and he did not think a case had been made out for production of report. The practice in England was simply this, to bring forward such motions to discuss cases of great grievance which had occupied the public mind.

Sir JOHN A. MACDONALD said it was highly undesirable that any discussion should arise as to matters of military discipline. The Crown had power to appoint and dismiss officers at pleasure, and this power should not be called in question by Parliament. Col. Shaw was once an officer, and had been dismissed by the Governor-General who was Commander-in-Chief. If Col. Shaw had been put to pecuniary loss, or injured in his character or reputation by his dismissal, then it would have been quite proper for him to have appealed to Parliament for redress; but he did not make such allegations, he merely asked for the production of papers, &c. He thought there was no case made out for the production of the papers.

Mr. McKENZIE regretted the ground taken by the Government, because the practice followed in England was not adapted for our militia force. The Government took the ground that they would not resist the motion

if a case of strong personal grievance could be made, but contended that no such case had been made out. He thought that a public grievance was involved in the case, and our whole militia force was interested in such matters. The motion was withdrawn.

Mr. MASSON (Soulanges)—Moved an address for correspondence relating to the imprisonment of the Rev. Mr. McMahon, and in support of his motion referred to the lenience of the Imperial Government towards the political offenders in 1838, and to the recent release of Fenian prisoners in England.

Sir JOHN A. MACDONALD said there could be no objection to the production of the correspondence, he presumed was referred to in the motion, which consisted chiefly of petitions, and accompanying letters, praying for the release of Father McMahon. With respect to Father McMahon, he said that prisoner and others were tried by juries and convicted, not only of conspiracy and Fenianism, but of murder of certain of the people of Canada. The case had, in a great measure, been taken out of the hands of the Canadian Government by the Imperial Government to carry out a national policy in an emergency. He might say, however, that there was a correspondence going on between the Colonial Office and the Canadian Government relating to so-called Fenian prisoners in our Penitentiary, but this correspondence could not, of course, be produced.

Hon. Mr. ANGLIN referred to the circumstances attending Father McMahon's capture, and contended that there were very strong doubts as to his guilt of the charges of which he was accused. It had been said that the Rev. gentleman had not a fair trial, in fact, that he made certain representations in explanation of his movements, to show his innocence, which were not placed before the jury. But admitting that he was beyond doubt guilty, surely he had already atoned in a great measure for his offences, for he had already been in prison nearly three years. The Catholics throughout the Dominion had a very strong feeling on the matter; besides thinking that Father McMahon was unjustly suffering, they had a special dislike to seeing any of their clergy treated as a common felon, and they would take it as an act of grace on the part of the Government if the remainder of the Rev. gentleman's punishment could be remitted. At all events his release could do no possible harm, while by appeasing the feeling of the Catholics it might do much good. He (Anglin) spoke under great embarrassment, as he felt the subject to be of a delicate nature, and one he was not prepared to speak upon with deliberation. It should, however, be borne in mind that many Irish Catholics thought that the proceedings in which Father McMahon was mixed up were to a certain extent justifiable, or at all events that the persons who took part in them had provoked; but it should be remembered that the Irish Catholics of the Dominion throughout the troubles of 1866 were loyal. He concluded by strongly urging the Government to exercise the prerogative of mercy, as by so doing they would appease the feeling of his fellow countrymen and co-religionists.

Sir JOHN A. MACDONALD said that the speech of the last speaker had better have been left unsaid. Such appeals as those could only damage those whom they were intended to serve. (Hear, hear.) The hon. member—Anglin—had said that those who acted with Father McMahon had received provocation.

Hon. Mr. ANGLIN, interrupting—No, the Premier had misunderstood him. He then went on to explain that he had felt embar-

rassed in discussing the matter, and to qualify what he had stated.

Sir JOHN A. MACDONALD—Well, the hon. member's qualifications made matters worse. There was no kind of provocation for the perpetration of such outrages as those of participating in. We were a peaceable, law-abiding people, had given no offence to any one, but our soil was wantonly invaded, without the least shadow of provocation, and our people molested. (Hear, hear and applause.) The hon. gentleman had said the Irish were loyal. Well, there was no question of that, no doubt at all about it; and so were the Scotch and other nationalities.—Hear, hear and cheers.—It was simply their duty to be so, and they did their duty unflinchingly.—Cheers. The hon. gentleman had argued that Father McMahon's case should be treated as an exceptional one, on the ground of his clerical office and the respect in which it was held by Catholics. But the fact was that the office and the training necessarily connected with it, should have taught the Rev. gentleman to act differently. He had been trained to ways of peace, charity and religion, and should have kept to them.—Cheers. With respect to the case of Rev. Mr. Lumsden, which had been contrasted with that of McMahon's by the hon. member—Anglin—he admitted that there was strong evidence, very strong evidence he might say, that that rev. gentleman was also guilty; but it would not do to say that that there had been any perversion of justice. There was a very strong feeling—an intense feeling—in Western Canada that we must put down such outrages as the Fenians had committed, and that feeling must be respected. (Cheers.) He understood the statement that that the appeal of the member for Gloucester was out of place, and would rather retard than forward the work of mercy.

Mr. McKENZIE would say a few words respecting the administration of Justice in Western Canada. The Hon. Member for Gloucester (Mr. Anglin) was entirely mistaken as to the Fenian prisoners not having been ably and properly defended. There was a strong feeling in Western Canada against the prisoners being in the way they were, but he took the ground that every possible favor and privilege which the law allowed should be conceded the prisoners, and he was glad to say that such a course had been followed.

Hon. Mr. ANGLIN made some explanations inaudible to the reporters.

Hon. J. H. CAMERON said the member for Lambton had correctly stated the facts. The prisoners had every possible favor shown them, and at the request of Father McMahon the trial in his case was adjourned to allow of the production of evidence. It was entirely incorrect that Father McMahon had made certain representations which were not allowed to go before the jury. (Hear, hear.)

Mr. RYAN (Montreal) strongly urged the release of the rev. gentleman, as an act of grace and conciliation.

The motion was then allowed to drop.

MORE DUELLING IN FRANCE.—A duel was fought near Paris on Friday between a Hanoverian Baron and an English ex-officer. It originated in another recent encounter. The principals posted down to the ground, were both seconded by Englishmen, and fought with sabres. The Englishman was wounded, but not grievously. His antagonist was calmly smoking his cigar in the Bois before six o'clock p.m.