

understand how the commissioner felt indignant, both because of the offence itself, and because of its bringing disgrace upon the corps to which the man belonged. But, Sir, when I tell you that the sentence on the man was twelve months' imprisonment and dismissal from the force at the end of the term, you cannot but agree that this punishment altogether exceeded the offence. Now, there are several cases. They are all recorded over in the comptroller's office, and after the Session is over, if the right hon. gentleman—because it would be impossible to expect him to do so with a multitude of affairs pressing on his department at this time—but if he can spare an hour, or get a report as to some of the cases, I promise him that he will have the materials of coming to the same conclusion that I have come to from observation, that the sentences which have been passed for offences against discipline, in the North-West Mounted Police, for the last two or three years, have exceeded what justice demands, and in exceeding what justice demands, to a great extent have failed in the object aimed at by the punishment. Of course, I need not remind the right hon. gentleman, who is not only a statesman, but a lawyer, of what every tyro in legal studies knows, that in the history of criminal jurisprudence, punishments have had to be adjusted in accordance with the conscience and common sense of the community; and what happened in the past, must happen to-day. What I would suggest, with great respect and great diffidence, is this: That a few clauses might be added to the Police Act, not leaving such power in the hands of any commanding officer. The Queen's regulations are very elaborate; I do not think it would be necessary as to have anything so elaborate as that, but I can easily conceive that a few clauses might be added to this Act, which would place the constable who committed the offence in a position so that he would not feel as he does now, that he is at the mercy of one will. No matter how just a man is, it is a terrible thing to be at the mercy of one will without any standard whatever to appeal to; but he should feel as a soldier who is tried for any offence feels—as a soldier in the British army feels—that he has, what every man in the British dominions should feel, except in war time, whether a soldier or civilian, if he is tried for any offence, that he is tried according to law, and not at the mercy of any single will. I understand that there will be a measure brought down; but I infer that that measure only deals with pensions. Of course, I apprehend that in such a measure the suggestions that I have ventured to make, might be acted upon.

Sir JOHN A. MACDONALD. I am glad my hon. friend has altered his original intention of moving for a general return of the names of the various constables and mounted police who have been subject to punishment, and the nature of their offence; because, as he has truly said, it might greatly injure a deserving man—they are young men, most of them—who may have committed some offence, and may have been punished for it, and may have been all the better for that punishment. But it would be very hard that there should be put upon the record of Parliament all their offences and their punishments. My hon. friend has seen that, and has amended his motion, confining it to one man. With regard to that man I think I cannot agree that this motion should be carried, and therefore I ask that the debate be adjourned, until I look at the papers, and have an opportunity of seeing whether there has been an injustice done to that man, and injury to the discipline of the force; and I want to see whether the papers ought to be brought down. It has been decided in England, and it is known in Parliament, that the worst court in the world to try a case of insubordination or breach of discipline in the army, is the House of Commons. The principle is that each case should be judged by those who are responsible for the management and the discipline of the army; and it is only in very rare cases, and where

Mr. DAVIN.

gross wrong and gross barbarity is shown, that the House of Commons have ventured to interfere. As I understand from the speech of the hon. gentleman, the complaint is not against the justice of the sentence, but against its severity, and he says the powers given by the statute to the commanding officer are much larger than those given by the Queen's Regulations. I, at present, cannot charge my memory as to where those clauses were got, how they came to be embodied in the original draft of the Mounted Police Act, or in any of the amendments, but I presume they were taken from the general regulations which govern the Irish Police. There is a great difference between a police and a mere soldiery. Soldiers are trained to obey orders, and in time of war to fight, but their duties begin and end there, whereas a constabulary force is governed by quite different considerations. They are superior men, their responsibilities are much greater, and consequently any errors committed are much more serious. Constables are guardians of the public peace, they are peace officers, they are to see that there is no breach of the law, and are to act with great discretion; and so much is it necessary that men of discretion as well as physical strength should be chosen, that it would be quite sufficient justification for the commanding officer to discharge a man if he showed by his conduct that he was wanting in ordinary common sense and discretion. A single policeman committing an indiscreet act, when he came in contact either with an Indian, with a smuggler, or with a cattle lifter, or other persons who commit offences against the law, may cause incalculable misery, on the peaceable settlers, and therefore the laws must be more stringent, the punishment must be more instant and immediate, and the sentence should be more severe. As to this case, I do not know anything about it; I cannot know anything about it, for I never heard of it until this moment. But the hon. gentleman must remember that while the sentences may be severe, there is always such a thing as a pardon, a remission of a portion of the penalty. It may be necessary in the North-West, and it is necessary, that the sentences should be very severe, but at all times there is an appeal from the commissioner, at present to myself, as being in charge of the mounted police force, and if there has been undue severity, or if there has been marked contrition, or good conduct, or any circumstance warranting interference with the sentence, of course it will be considered, and each case will be considered on its own merits. It is of the very greatest importance, I cannot emphasise the importance too strongly, that the sentences should be immediate and severe. The hon. gentleman has spoken of this case. Here it appears is a police officer, and each police officer must be a man of education, because he must be able to read and write before he is eligible for the force, a man who is appointed to keep the peace and prevent others breaking the peace, and who has sworn to arrest all persons breaking the law—what is said of this man? First, he is drunk; next, he assaulted a lady; and, in the third place, when travelling in a carriage with a young woman, he used improper, obscene and indecent language to her. I cannot fancy a greater series of crimes in the case of a police officer than that alleged against this man by the hon. gentleman, and I think the commissioner was warranted in saying that this man was not fit to remain in the force and he deserved a long term of punishment. The warning to other officers of the force is of more consequence than the punishment of this man himself. A year, I admit, is a long time off a man's life; but, as I have already stated, the whole circumstances have to be considered. The case can be referred to me, and it will be referred to me now that the hon. gentleman has brought it up in this marked manner; I will enquire into it, and if there are any mitigating circumstances, this man will get the advantage of them.