

see any object to be gained. It might be found by experience, in a short time, that another arrangement much more convenient could be made; therefore I do not think you ought to put unnecessary restrictions upon a Minister in that particular.

Sir CHARLES HIBBERT TUPPER. It is a feature of the old Bill, and has not worked injuriously to the service. The Penitentiaries Act put these powers in the hands of the accountant; and the hon. gentleman's criticism would apply to both cases. I think the hon. gentleman's argument is largely theoretical; practically, no inconvenience has arisen from vesting these powers in the accountant. The change is certainly very small, when it is provided that the officer who shall perform the duties of accountant after this shall have the same powers.

Mr. MILLS (Bothwell). The hon. gentleman will see that that is a reason for removing the barrier altogether. The hon. gentleman undertakes to remove it so far as the accountant is concerned and to transfer his duties to another officer. I do not see the propriety of undertaking to tie the hands of the Crown in this particular.

Mr. McMULLEN. What is Mr. Foster doing at present?

Sir CHARLES HIBBERT TUPPER. He is acting warden of the British Columbia penitentiary.

Mr. McMULLEN. Is it the intention to make him permanent warden there?

Sir CHARLES HIBBERT TUPPER. No.

Mr. MULLOCK. As I understand this question, this officer, it is thought, is not required in the public service.

Sir CHARLES HIBBERT TUPPER. No; that is not so.

Mr. MULLOCK. It may or may not be the case; but at the same time I call the attention of the committee to the state of the law. If this be the state of the law to-day, the moment a man is appointed by the Governor in Council to the public service he cannot be removed from office except he is pensioned. We must assume that this is the law, or Parliament would not be asked to relieve the public service of an unnecessary officer. If there were such power existing at the present time to remove such an officer, the Government would not be asking for such power; therefore, I assume that the Government will come to the conclusion as a matter of law that no officer can be removed from the public service unless he is pensioned. A condition should be inserted in the appointment of any officer to the public service that he shall retain office only so long as his services are required. There has been too much pampering on public officials in this way, and now it is necessary to get an Act of Parliament in order to

dismiss an unnecessary officer and relieve the public treasury of his services. I submit that it is the duty of the Government, in view of this construction of the law, to introduce at the earliest possible moment a measure asking Parliament to give the Government power to relieve the service of any official not required in the public interest. The fact of the Government asking to-day for this legislation shows the view they take of the law, and that view of the law is the final interpretation of the law so long as it is within their administration. For that reason I hope that before the session is much older, the Minister of Justice or the appropriate Minister, will introduce some measure dealing with this question.

Sir CHARLES HIBBERT TUPPER. I must protest against the hon. gentleman's statement, that the object of this Bill is for the purpose of obtaining power to abolish an officer. The main object of this section, as I have more than once stated, is to vest in the officer who succeeds to these duties the power which Parliament has placed in the hands of the accountant. I do not admit that we come to Parliament confessing that we cannot abolish an office—there might be a question about that. But Parliament has vested in the hands of the Government certain powers, and said that you may appoint an accountant, and that when you have done so that officer is to have certain authority, and very important authority. The duties are not the ordinary duties of an accountant, but are of a special character. He is authorized to audit the accounts and examine them, and perform such other duties as may be required by the Minister of Justice; he shall audit the accounts of the penitentiaries, transmit the same, inquire into the money transactions and financial affairs of penitentiaries, prisons, or hospitals such as receive support wholly or in part from the Government of Canada. He has the power of an inquisitor. This new officer shall have these powers and functions, and, therefore, I do not take the position of the hon. member for North York that the Government cannot do anything without an Act.

Mr. MULLOCK. As the Bill was introduced, the Government was only asking to abolish an office. But such officer would have to be superannuated.

Sir CHARLES HIBBERT TUPPER. No. He might be promoted.

Mr. MULLOCK. The Government would not ask to abolish an empty office. The abolition is asked with a view to dealing with the existing state of affairs, and the effect is an admission that there is one officer too many.

Sir CHARLES HIBBERT TUPPER. No.