

Hon. Mr. LOUGHEED—It would not give that power because chaplains are not necessary for the administration and police of a penitentiary. The Act now in force reads as follows :

The Governor in Council may appoint for any penitentiary a warden and deputy warden, Protestant and assistant Protestant chaplain, when required, Roman Catholic and assistant Roman Catholic chaplain, when required, surgeon and accountant, all of whom shall hold office during pleasure.

Unless express provision is made in the Bill we are now revising, certainly the power to appoint chaplains will not be given to the Governor in Council.

Hon. Mr. SCOTT—I do not agree with my hon. friend. When I introduced this Bill I stated that so far as the officers were concerned the Governor in Council would appoint the warden and deputy warden. For all the other officials the minister was authorized under this Bill to make the appointment, and I say so still.

Hon. Mr. LOUGHEED—I ask my hon. friend to point out to me any clause in the Bill giving the minister power to appoint chaplains? That power is not given as far as has been pointed out to me.

Hon. Mr. SCOTT—It is a matter of interpretation, and I think my interpretation is right.

Hon. Mr. POWER—I would draw attention to the fact that the accountant and surgeon are not provided for by name in this Bill, any more than the chaplain. The general principle is laid down that the Governor in Council appoint the warden and deputy warden. All other necessary officials are appointed by the minister. The chaplain is just as necessary an officer as the surgeon, if the hon. gentleman from Kingston will excuse me for saying so. The surgeon looks after the bodies of the convicts, and the chaplain looks after their souls; and surely the souls are of as much consequence as the bodies.

Hon. Sir MACKENZIE BOWELL—The difficulty which presents itself seems to be as to the interpretation to be given to the latter portion of clause 27. The point raised by the leader of the opposition is, the chaplains and surgeons are not necessary for the proper administration of and police of

Hon. Mr. SCOTT.

any penitentiary. That is the position he takes. If the hon. Secretary of State will accept this suggestion, let the government assume the responsibility collectively to appoint the surgeons and chaplains as well as the warden and deputy warden and leave the balance with the minister; that is the interpretation, if my recollection serves me right, which the hon. Secretary of State put upon the clause when we were discussing it before.

Hon. Mr. SCOTT—No, I was perfectly clear from the beginning that the Governor in Council had only the appointment of a warden or deputy warden, and that all the other officials were appointed by the Minister of Justice. I stated that distinctly. The Bill was drawn with that view; it was drawn in the Department of Justice and they knew what they wanted. In the schedule, provision is made for the different officers, and chaplains are specifically cited.

Hon. Mr. WATSON—I should say that the minister, in drafting this Bill and putting clause 34 there, certainly understood he had the power.

Hon. Mr. WOOD—I think the amendment suggested by the hon. Secretary of State should be adopted. In looking at these different clauses it appears to me that clause 27, where it provides that the minister may appoint or authorize the appointment of such other officers as may be necessary for the proper administration of any penitentiary, and section 33, which provides that the minister shall fix the salary to be paid to each officer or employee, cover it. If there is any doubt about it at all, it could be remedied by inserting in section 27, 'Such other officers and employees.' Then schedule 'A' would designate the different employees to whom the clauses apply. If clause 34, as I understand it, were eliminated entirely, there could only be one Roman Catholic and one Protestant chaplain. Clause 34 as amended by the hon. Secretary of State gives the minister discretionary power; he may, if he thinks proper, allow the ministers of different Protestant denominations to officiate in the penitentiary. It appears to me that that on the whole is a wise discretionary power to give the minister and, under certain cir-