

Mr. MULLOCK. The hon. gentleman has not met the point I make. It appears to me that there ought to be an implied condition in connection with every appointment to the public service, that if the service does not require such an officer, if there is nothing for him to do, then there ought to be a way of relieving the service without putting this man on the charge of the public for the rest of his natural life.

Sir CHARLES HIBBERT TUPPER. That is another question.

Mr. MULLOCK. It is a question now thrown upon us by this legislation. It is conceded now that the office is not wanted.

Sir CHARLES HIBBERT TUPPER. I do not know whether the hon. gentleman was present when we went into committee, but I then explained to the leader of the Opposition that we are not in a position to make that statement, although we thought that it might be found impossible after further experience, to dispense with the officer.

Mr. LAURIER. Who is the accountant ?

Sir CHARLES HIBBERT TUPPER. Mr. Foster.

Mr. McMULLEN. Have not the Government had ample time, during the absence of this man from the office, to learn whether they cannot permanently dispense with his services as accountant ? How many months has he been absent, for instance, as warden of the Manitoba penitentiary ?

Sir CHARLES HIBBERT TUPPER. Parliament has twice voted additional sums to officers who have undertaken to do the duties of this officer during his absence. He has been absent. I should say, over a year ; and the department has, up to recently, felt a great deal of inconvenience on that account. There has been more than the ordinary work put upon the other officers, and for that reason Parliament has given them an additional amount. But I do not think it can be argued that because an officer may be spared temporarily from his office, the office should be abolished, or that it is not required. We know that, both in our service and in the British service, very long leave is given, under certain circumstances, and on the understanding that no further charge will be put upon the treasury in consequence, and that others do these duties during the absence of that officer. But you could not argue directly from that fact that the office was unnecessary ; and certainly, I have not sufficient information to enable me to state to the House that we do not require that office, though I believe it will be found eventually that we can do without it.

Mr. McMULLEN. The Minister admits that this gentleman has been absent from his duties for a year.

Sir CHARLES HIBBERT TUPPER. From these duties.

Sir CHARLES HIBBERT TUPPER.

Mr. McMULLEN. Now, has the department been forced to employ others ?

Sir CHARLES HIBBERT TUPPER. No. Mr. Lane, who was assisting him, has been working over-hours. He has been with the inspector as his assistant in discharging these duties, and twice Parliament has voted an additional amount of money to Mr. Lane.

Mr. McMULLEN. Here is a case where an important official has been unable to perform duties outside of the office for which he was originally appointed, who has been absent from that office for twelve months, performing other duties, and during all that time the work of that office has gone on just the same as if he had been there. Now, I think there is ample evidence in that fact to justify this committee in coming to the conclusion that that man's services are really not wanted in that office, and that it should be abolished.

Mr. MILLS (Bothwell). I think there are two points involved in this section, one of which relates to dispensing with the accountant. As I understand the Minister just now, he says that the assistant is retained along with the inspector to discharge the work, while the services of the accountant are dispensed with. Now, it is rather an unusual way to begin by retaining the services of the subordinate officer and dispensing with his superior. One would suppose that the natural order would be to begin the other way. But I wish to remind the Minister that this section restricts the power of the Crown. Of course, apart from statutory regulation, all the administrative functions—

Sir CHARLES HIBBERT TUPPER. Will the hon. gentleman allow me ? I consented to drop the words that the hon. gentleman thought restricted the discretionary power, because that did not interfere with my object.

Mr. MILLS (Bothwell). The section, even as amended, does so restrict.

Sir CHARLES HIBBERT TUPPER. It reads this way, "The Governor in Council may abolish the office of accountant of penitentiaries and appoint," and so forth.

Mr. MILLS (Bothwell). I wish to call the attention of the hon. gentleman to this, that in the constitution of a department, in most cases, you have the Crown free to reorganize the department, to say what the duties of the department shall be, and what officers shall be from time to time employed in the discharge of those duties. Now, under this arrangement, suppose you carry this Bill, the prerogative would be altered in this respect, that it would be the inspector, and any person else to whom you might appoint, who would discharge these duties. I think that the hands of the Crown ought not to be tied in that particular. I do not