

CIVIL SERVICE INVESTIGATION

Hon. Wm. Patterson (minister of customs)—Just a few words, as my name has been mentioned. I did not intend to take any part in this discussion, but really I have been somewhat struck with the arguments, if you may call them so, of the hon. gentleman opposite. I am trying to see where we are at in this matter. One fault that is found with the report of the commissioners which they say is a highly respectable thing to do. Another hon. member says he has not been appointed to review the work of the commissioners as all, only to review one little thing in their report, which is so small that the hon. member for East Hastings wonders that the judge would so lower himself to come down from the bench and deal with it.

Finding Their Own Nest.
Another thing that struck me as very remarkable is the attitude of gentlemen belonging to the legal profession. I am not a lawyer and have been rather inclined on looking to them as a body of honorable men, men who if they had a duty placed on them, would discharge it honestly. But if I am to take what I have heard from the members from Toronto, the member from Simcoe and the member from East Hastings, who belong to that great profession, they are not sense of honor that dwells in some of their number, is apparently such that one is tempted to wonder whether they trust themselves in an investigation of this kind. Could my hon. friend have confidence in the report of an appointed on a Whitney commission? Surely he could, at least I think he could, although he has taken my faith. The other gentlemen who have spoken, every one of them belonging to that profession, have taken the ground that men sworn to do their duty, even in a judicial investigation, will disregard their obligation. It is not my judgment.

The hon. member for East Hastings (Mr. Northrup) tells us that is a little trifling, contemptible, and that the judge to descend from the bench and undertake. In the same breath he tells us that this judge is a noble man. He must be that, for he has always had the admiration of my hon. friend. This noble man so much appreciates the nature of the duties he has been asked to perform that he is not able to see, what the profound brain of the hon. member for East Hastings could see, that the inquiry is a little miserable, contemptible, and that he should not have taken hold of it. He was not compelled to do so. The government recommended him for the point, and he accepted the appointment. Why on earth did he do it? Why could he not have declined the reception of the dignity of his office not to that of the member for East Hastings (Mr. Northrup) who has not been asked him, why has the hon. member, who loves him so, allowed him to accept the position? He has not gone to him with that lifelong friendship and admiration and said: Judge, you will never be able to do this, surely? Why is it the meanest, smallest, most contemptible task ever given to a man, that he should do it? He has let the poor judge get into that scrape. Think of it! He assures us that he took care to find the judge at the highest point, to do they all the member for Toronto, the member for Simcoe, they all upheld him in that. These men have their own appreciation of what members of the profession, sworn to perform a judicial act will do. Is it a common thing in the profession, has it been known in the profession, has it been known in that way? If I should take that low estimate of these men, which I utterly repudiate, let us see how the administration for the home and ability of hon. judges come in. Surely, with their ability and honor, if he found these gentlemen who are chosen to assist him in his duty, which is to try to find the judge, trying to perform the work they have undertaken to do, and if he allowed them to do so, he would not be at the character given him by the hon. members for East Hastings, East Hastings and Toronto. They cannot take that position. You can see at once, Mr. Speaker, how bewildered I have been with the arguments of the hon. gentlemen opposite. Such a thing could not happen or Judge Cassels cannot be the man these gentlemen say he is. If he allowed that to take place he would lack either discrimination, capacity or honesty, and they have not charge him with such a lack. Is my argument good or not?

He is appointed to do something which he does not consider beneath his dignity. It is true he is not asked to review the report of the commissioners. The government and the minister of marine and fisheries are willing that this report of the commissioners shall go out, 10,000 copies of it, wherever the members choose to send it. They have the right of whatever weight it carries. We do not ask to have it reviewed, we do not ask to have the opinions in it qualified. We do not ask a commission to be appointed to see that if they cannot contradict what has already been reported. That is going out with all the condemnation that it will carry. It is going out by thousands of copies. And this commission is not appointed to refute or contradict what they have said. But here is the statement of the commissioners that they believe that certain officials in that department are dishonest and corrupt. They do not give the names of these men, and this judicial inquiry is to ascertain whether there be such men in the service that they may be dealt with. And the investigator will report.

We are asked, why not have called upon the commissioners to do this? Well, I suppose the judge will be at perfect liberty—and for all I know he will do it—to ask the commissioners to give him the facts. He may say there is a charge you have made; evidently you had reason to believe it in true

would you please tell me the officers whom you suspect, or refer me to the files of the department that I may know the names for myself? That is the point we wish to ascertain.

Now, this is the one point in the report with which the minister could not deal. He wanted a judicial inquiry, and he is having it. The rest of the report, referring to the correctness, the duplication of work, the lack of supervision and other weaknesses alleged are departmental in their nature and must be dealt with by the head of the department. And the minister is proceeding to deal with them—started long ago, he has examined into the working of his department, and he is examining into it to see where improvements can be made in a judicial capacity on these men in his department who are charged with being corrupt and dishonest; he asks for the assistance of a judge to look into the facts, and he gets that assistance. When the report is made it will be his duty to examine it and see if there are any suggestions in it that will improve present conditions, and in the report that the committee have given him, he will find no suggestions in it that he will find any that will improve his judgment. I have no doubt that he will give effect to them.

Hon. gentlemen opposite have taken two lines of argument. First they object to this commission because they say it is going to review the work of the previous commissioners, and upset it. Nothing of the kind there are two specific instances which the commissioners give as acts of maladministration, namely in the purchase of coal and in the purchase of flour, but they do not follow them up in inquiry far enough to learn the facts of the case. But they put these two charges in their report, and that report goes out wherever this volume goes, with these two charges, which the minister says Judge Cassels will investigate.

Another Mistake.
The commissioners also make a statement with reference to my department, but do not speak of it with any idea of weakening their statement, but only to point out that in the report of the previous commissioners they were not able to get at the real facts of the case and to explain the charges in their report, and that report goes out in the outside service. He read this:

"Many of the inspectors are in a similar position, and under a clause in the Service Act requiring the examination of persons appointed to positions requiring special and technical qualifications, almost all the inspectors in the outside service of this department have been appointed without undergoing the civil service examination."

Yes, that is true I believe, in some cases it is, and I have never been able to see yet that the civil service examination was thereby a better appraiser than one who had not it. Mr. Blair—Will the hon. gentleman read the balance of that section?

Mr. Patterson—I am sorry to say that I think it is a collector of customs at Quebec that they were questioning, and I think he said that according to the regulations he had been placed because he did not know who the Drums were. He could not get through. Now do not tell me whether an appraiser knows who the Drums were or not, but I want him to know whether he is a man who knows something else. In our department we need to appoint men who understand their business, and who are biographic institutes or university training in the world will not make a man a good appraiser. But no man has been appointed appraiser without undergoing the technical examination which is prescribed in the act and which is given him by a superior officer. If he passes that examination he is recommended to me by the commission.

Mr. Blair—Were there any cases in which you were not able to find a man who was recommended to me by the commission?

Mr. Patterson—But there have been some cases where applicants to appraisers were not recommended because they were not sufficiently conversant with their duties.

Did Not Know the Act.
Now, the hon. gentleman asks me to do a little fact-finding. In the service of this department—that is in reference to the Customs Department—there are many anomalies and irregularities. In order to avoid the necessity of an examination, a new class has been created under the name of "examining officers," a class not found in the schedule to the Civil Service Act.

Well, let us see. Section 39 of the Civil Service Act reads as follows: "Notwithstanding anything in this Act a person who has served over ten years as an officer or non-official in the outside service of the customs may be appointed an examining officer in such service subject to such examination as the duties of office and other qualifications as prescribed by the deputy head in a report to be concurred in by the head of the department."

There it is. This commission says it is not to be found in the schedule of the Act.

Mr. Blair—Is it found in the schedule of the Act? Mr. Patterson—Yes, look at page 20, schedule. First there are the "higher class," next, the "lower class," and then the "examining officers," which are "examining officers" (including lockers and landing railways) with salaries from \$400 to \$1,200. That is going out in all these thousands of copies all over the country. It is going out to say that in order to avoid

examination I have created a new class under the name of examining officers. Mr. Patterson—That is your royal commission. Mr. Patterson—Yes. Mr. Patterson—Appointed by the minister. Mr. Patterson—I was not finding fault with it. I do wonder, however, that they should have overlooked the fact that they should have put in the report a statement which, as you can see for yourself, is absolutely the reverse of what is in the Act. It is charged that they adopted this new class in order to avoid examination. You gentlemen are guilty with me in this matter. As a matter of fact, the testimony of these commissioners themselves shows that they say—

There is not only a lack of efficient organization and method in the department, but there was also seen to be a lack of conscience. That is the subject of this investigation. But they say also—

The lack of organization and of efficient management in the department has recently been very conspicuously and painfully illustrated by the fact that the accounts of the department had apparently fallen into such confusion that expert accountants had to be called in to put things to rights and to make some intelligible statement after months of work.

So the minister was at this month ago, according to the commissioners, to check purchases made through the outside agencies of the department. That system these commissioners report to be a great advantage mechanically, but probably little more. I would not say to ask whether that is a well considered or fair expression on the part of the commissioners, for I am not sure that they are. But one was criticising he might ask how these men could know that the system of little use for the department to be determined in the future and by experience. The minister was carrying on his report that the department was in a state of confusion, and that he was criticising he might ask how these men could know that the system of little use for the department to be determined in the future and by experience.

He said this: "The hon. member for Peel read something that they said about my department in the outside service. He read this:—

"Many of the inspectors are in a similar position, and under a clause in the Service Act requiring the examination of persons appointed to positions requiring special and technical qualifications, almost all the inspectors in the outside service of this department have been appointed without undergoing the civil service examination."

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on the permanent staff, they were not entitled to receive the same salary as a year, and if, unfortunately, they became sick, the department had no power under the law to allow them their salary or to pay their wages, whereas, if they had been on the permanent list, they would have enjoyed the same treatment, the fact which they should have considered. Many and many—scores—I am not speaking extravagantly—of these men, faithful men, who had been there for years and years, and who were appointed in the days of my hon. friends, were unable to pass the literary examination. I do not know whether I could pass it myself or not. I could have done so when I came out of school, no doubt. I question now whether it would not be some of you to answer all the questions that are put. A number of these men who had been there for years, and years could not hope to pass this examination. Men who had given faithful service for years and years, I thought, were entitled to fair treatment. 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