

the department, is enabled to attend to, and thereby relieve the minister of a great deal of departmental work which he otherwise would have to attend to. I have found the value of Mr. Payne's services in that direction.

Mr. HAGGART. Mr. Payne may be the most valuable man in the world, but the law requires that before you make a change in the theoretical organization of the department, some reason must be assigned for it. The law requires a report from the deputy head of the department, confirmed by the minister and sanctioned by the Governor in Council. We have not received that information. We are not disputing the ability of Mr. Payne. You may have a hundred persons in the department with abilities that are not at all compensated by the pay they receive, but it is the duty of the minister first of all to know what is required for the purpose of carrying on the business of the department.

Mr. EMMERSON. I admire the persistency of my hon. friend. Last year he made this same contention. It was on that occasion mildly suggested that the preliminary step was to get the money voted, and after that, if the deputy recommended and the minister confirmed and the council confirmed the recommendation and it received the sign manual of the Governor General, the appointment would be complete. I understand that to be the routine; but if there were any question as to that, I may say that I have the recommendation of the deputy minister for this, and if it has not gone through council, I apprehend that it is because the money has not yet been voted.

Mr. HAGGART. Surely the minister must know that before a vote is given some reason should be assigned for the change, but we are not given that. We are asked to make this vote because this person is thoroughly qualified and because, in the absence of the minister, he has to take upon him duties which devolve on a chief clerk. The first thing we should consider is the necessity for a chief clerkship at all in the department. We have not been given any information as to that.

Mr. R. L. BORDEN. As far as this depends on Mr. Payne's ability, I think that all who know him recognize that he is a man of considerable ability, and especially executive ability. I think there would not have been much difficulty about the matter if the minister, in the first place, had produced the requisites which the statute prescribes. The minister has justified it to a certain extent upon Mr. Payne's management, and apparently on the theory that the minister should be allowed to interfere as little as possible with the working of the department. Perhaps my hon. friend from Lanark might be willing to accept that, and let the item pass.

Department of Railways and Canals—for the appointment to a first-class clerkship of H. F. Alward, a barrister-at-law, as assistant law clerk, \$1,500.

Mr. EMMERSON. Mr. Alward, a graduate of New Brunswick University, and a barrister-at-law of the province of New Brunswick, has been acting as assistant law clerk since March, 1904. He is a very efficient official; I can say that, not only on my own authority, but on the authority of the deputy minister, and on the recommendation of the deputy minister he is made permanent in the service and a first-class clerk.

Mr. FOSTER. That gives the minister a legal staff?

Mr. EMMERSON. It does not give it; we have it now. I found it in the department when I came there, and it has been continued.

Mr. FOSTER. That is, you found a law officer?

Mr. EMMERSON. I found a law clerk and an assistant law clerk.

Mr. FOSTER. What has become of the former law clerk?

Mr. EMMERSON. He went to Messrs. Mackenzie & Mann, in Toronto, and Mr. Hansard took his place. Mr. Alward takes the place of Mr. Hansard.

Mr. FOSTER. The hon. gentleman is keeping up the traditions of the department, and I suppose the object is to relieve the Justice Department of some of its duties?

Mr. EMMERSON. I find the services of the law clerk very valuable in making researches without having to refer every little departmental matter to the Department of Justice.

Mr. FOSTER. Of course, all matters of moment you refer to the Justice Department?

Mr. EMMERSON. Oh, yes.

Department of Railways and Canals—for the appointment of two temporary clerks to junior second-class clerkships at \$600 per annum, one S. W. Adv. notwithstanding anything in the Civil Service Act, \$1,600.

Mr. EMMERSON. There is in the department what you might call permanent temporary clerks.

Mr. FOSTER. But you do not find any temporary permanents, do you?

Mr. EMMERSON. There are quite a number of these temporary permanent officers in the department. The late Mr. Riddout, the hydraulic engineer, was one.

Mr. HAGGART. Does the minister create two new second-class clerkships?

Mr. EMMERSON. Instead of having the officers as temporary clerks we make them