

tency of the incumbent of one of these offices. This cannot be a reasonable basis of legislation. The only basis upon which the hon. gentleman can proceed is to decide whether there is work for one or two officers. I assume that all the officers of the Government are competent for the discharge of their duty. If so, the whole question resolves itself into this: Are one or two officers required for this work?

Mr. DALY. I do not think the hon. gentleman sees the effect of this clause. It is not a question of competency altogether, but a question that only experience will enable the Minister of Justice to decide the question whether or not the inspector can find time both to inspect the different penitentiaries and to perform the duties of accountant. There are five penitentiaries in Canada, and it seems that the officer, no matter however competent he may be, is going to find his work cut out for him. All that this Act contemplates is that if the present inspector, who is acknowledged to be a competent officer, finds that he can accomplish duties of both inspector and accountant—

Sir CHARLES HIBBERT TUPPER. At the same salary.

Mr. DALY—at the same salary, then, after the present incumbent of the accountant's office ceases to hold that office, his office shall be abolished. The section is two-fold—first, to abolish the office of accountant if the inspector finds that he can fulfil the duties of that office as well as those of the inspector, and, second, on the abolition of the office of accountant, the duties and powers appertaining to that office shall devolve upon the inspector.

Mr. McMULLEN. Why not alter the clause to read: "Any time after the passage of this Act, the Governor in Council may abolish the office of accountant of penitentiaries." Then it leaves it for the Government to say whether the office of accountant shall be abolished or not.

Mr. MILLS (Bothwell). I would like some information on this point. The executive Government of the country can create such offices as it deems proper, where they are not created by statute, and the statute limits the prerogative in that respect. Is not the accountant appointed during pleasure? He surely is not appointed during good behaviour?

Sir CHARLES HIBBERT TUPPER. He is appointed the same as any other officer. The appointment is provided for in the Penitentiaries Act, which reads as follows:—

The Governor in Council may appoint a fit and proper person to be the accountant of penitentiaries, who shall be an officer of the Department of Justice, and he shall be charged generally

with the direction, inspection and audit of the books, accounts, money transactions and financial affairs of the penitentiaries.

And so on. Thus he is appointed by the Governor in Council, and holds office during pleasure.

Mr. MILLS (Bothwell). But, according to this section, you seem to imply otherwise.

Sir CHARLES HIBBERT TUPPER. I do not think there is any importance attached to that. The drafting simply had regard to the—

Mr. MILLS (Bothwell). It is not skilful drafting.

Sir CHARLES HIBBERT TUPPER. I do not think there is anything objectionable in these words; but I do not attach much importance to the form of words, and we have no objection to them being taken out.

Mr. LAURIER. Make it read that at any time the Governor in Council may abolish this office.

Mr. MULOCK. Is there no way under the law by which you can relieve the public service of unnecessary officers after they have been appointed?

Sir CHARLES HIBBERT TUPPER. I stated to the House at the start that the reason for asking this was in order to remove a number of doubts as to our power, because, while Parliament gave authority to the Governor General to appoint an officer, it had charged that special officer with special duties; so it might have been argued that if we had abolished the office there was no other officer to perform the duties. The object of this clause is to remove that doubt, and to say that the officer who is appointed after the office is abolished, shall have the same duties.

Mr. MULOCK. I think if there is no power to relieve the public service of an unnecessary officer, that power cannot be taken a moment too soon. It does seem to me that a person employed in the public service should occupy a higher position than a person appointed in the private service. Does it follow that because a man is appointed to the public service, that whether he is required or not in the public interest, there is no way of dispensing with him during the period of his natural life?

Sir CHARLES HIBBERT TUPPER. Certainly, we can retire these officers for the greater efficiency and economy of the service, under the Superannuation Act. The trouble was with us that after retiring him, the office still existed, and the man who was appointed to another office could not be said to come under the Penitentiaries Act, because it had there directed that the accountants of the penitentiaries should do all these duties.