

*Penitentiary Act*

My hon. friend from New Westminster (Mr. Reid) this afternoon brought up the case of some guards out in New Westminster. I have time and time again gone over a long file in connection with each of these cases. All the dismissals to which he refers took place before I was minister. They were all approved by my predecessor. My hon. friend asks me now to override the position which the former officers and the former Minister of Justice took. I have not been able to do so. Similarly, in the case of the guards who have been discharged at Kingston, in every instance there was a reason, and a substantial reason. Many of the guards were most leniently dealt with when they were retired for the greater efficiency of the service. I do not know that it is necessary for me to put upon the pages of Hansard the evidence and reports, I do not intend to do so, nor do I intend to mention the names. But complaint after complaint having come to me from my hon. friend from Kingston, I have diligently gone over these reports, I have questioned the superintendent personally in regard to them, and the only conclusion I can come to is that I should follow the recommendations that he has made, and for the greater efficiency of the service I have concurred in the recommendation that these guards be retired. None of the guards is known to me personally; not a single member of the staff of the Kingston penitentiary is known to me personally. I do not suppose any of them were known to the superintendent until recently because he never was in the penitentiary until August of last year. But on his advice I have approved these retirements. In no case under the Civil Service Act, as far as I know, is a man entitled to trial by court martial when he is relieved from office as suggested by the hon. member for Kingston. I grant you that under that act if a man is charged with political partisanship the custom has been established that he shall not be removed until he has had a fair investigation. But such is not the law that applies in the case of the penitentiaries of this country. No man has a right to a formal trial who is appointed only "at the pleasure of His Majesty," as the saying is.

My hon. friend from Kingston takes a strong exception to the report made by the superintendent—

Mr. STEWART (Edmonton): At that point may I ask whether the dismissed guards themselves know what the cause of dismissal is?

Mr. GUTHRIE: They say they did not but I have not found any who have come to see me who did not know. I had one in to see [Mr. Guthrie.]

me the day before yesterday; he knew why he was dismissed. If the case my hon. friend refers to is just a case of "a piece of paper"—I am not sure it is, but he says a certain guard was dismissed on account of a piece of paper—all I can say without giving names, is that the piece of paper constituted a very serious piece of evidence.

Mr. ROSS: May I say it is not the case? The hon. gentleman knows the case; I went to him—

Mr. GUTHRIE: Oh, that is the old case?

Mr. ROSS: Yes.

Mr. GUTHRIE: That was years ago—I was only a boy when that happened; I do not remember anything about it. That was fourteen or fifteen years ago, long before my time.

Mr. ROSS: And, now, fourteen years after, the man is refused a job.

Mr. GUTHRIE: I am not speaking of that. I refer to the case where one of the most notorious convicts in the penitentiary, when questioned by the superintendent, would not answer candidly until he knew whether there was a letter for him in the warden's office. One of the guards who was sent to find out came back; a large sheet of paper with the word "no", written in letters four or five inches high, was turned towards the prisoner who could see what was on it, and he immediately changed his evidence. The letter had not arrived. The prisoner was expecting something. The guard was let out. That is only one of the circumstances connected with his dismissal. I thought when my hon. friend from Kingston was speaking, that this was the case he referred to as "a piece of paper." The other I fancy is a case that took place fourteen or fifteen years ago, and while I have read the report made upon it I do not think it lies in my power to change the finding at this late date.

Another thing my hon. friend waxed rather merry upon is the conclusion of this report. He pointed out that everything the prisoners asked has now been granted. Of course that is an exaggeration, a few requests were granted. The question of cigarette papers arose in this way: up until 1923 prisoners had cigarette papers in the penitentiaries. For some reason they were then cut off, and it has always been a grievance among prisoners in all the penitentiaries that while they were allowed pipes and tobacco they were not allowed cigarette papers. They got their supply of tobacco and would make cigarettes with the usual toilet paper that is supplied. Last spring complaints became quite common in regard to the toilet