

*Penitentiary Act*

promotion, superannuation, deductions, will all be subject to the recommendation of the superintendent. This is one of the worst measures to be introduced and one that departs to the greatest extent from sound principles of administration. I wonder how the minister can expect to inspire confidence in the minds of those charged with the protection of life and the safety of property when they feel they are at the mercy, in regard to advancement or discharge, "of recommendations from Ottawa," as used by the hon. member for Kingston in explaining certain dismissals. The hon. member for Kingston has said that men who have given years of service are discharged on recommendation from Ottawa and nothing more said. The Civil Service Act provides in section 55 as to political partisanship, and section 52 governs dismissals, but once these men are placed under the jurisdiction of the superintendent there will be wholesale dismissals, with the same answer, "You are discharged upon recommendation from Ottawa."

What is required is tightening up of the Civil Service Act, not nibbling away from it. And may I say to my hon. friend, if the government have decided to take these men from under the operation of the Civil Service Act, let them not appoint any more commissioners because before the commissioners are appointed the Civil Service Commission will have become useless.

Mr. THOMAS REID (New Westminster): I was particularly pleased when the hon. member for Kingston (Mr. Ross) brought up the matter of dismissals, because we are even more concerned about dismissals than appointments. At various times I have been in consultation with the Minister of Justice in connection with dismissals that occurred at the New Westminster penitentiary. One feature that I think he should take particular notice of is that guards can actually be "framed" by convicts in the prison. I have a case before me in which a convict after his discharge swore in evidence before a special constable that he had framed a certain guard in the penitentiary. I brought that to the attention of the minister, but it seems that the report of the warden had to be accepted. I do not know of any other department concerned with the administration of justice in which the word of a prisoner is taken against that of an officer. In this case the guard had been attending to his duties in the usual way, and this was resented by this particular prisoner, who was a rather dangerous character, and he made the statement that he

[Mr. Chevrier.]

would frame this guard. And he did. He placed cigarette papers—which are contraband in the penitentiary—in a certain place, and then notified the warden that they were there. On investigation they were found, and on that and that alone this guard was dismissed. I think this matter of dismissals should be given very serious attention, because if that procedure is carried on and the word of a convict is taken in preference to that of a guard it is very serious indeed, especially when by this bill power is vested in such a man as General Ormond.

The minister also spoke about the matter of instruction, that under the new act instruction would be given to the guards. My information is that there is now no provision for instruction of guards. They are handed a copy I believe of the regulations to look at, that copy must be handed back, and kept in the head office; how can the guard become acquainted with the regulations if he is not provided with a copy? Then only those guards who are on duty as guards with rifles are allowed to carry or handle rifles. It does not require an act like this to make it possible to instruct a man in the use of a rifle; all that is needed is a provision in the regulations that he be given say half an hour rifle drill every day. Under the present system a guard has no chance to become proficient in the penitentiary regulations unless he takes time to go to the head office and study them.

But the most serious thing brought out was the disclosure by the hon. member for Kingston, in the matter of dismissals. I think that the whole situation should be looked into, because there have been many dismissals of guards, who have afterwards been black-listed, so to speak, and will be all the days of their lives as far as obtaining a permanent job in the government service is concerned.

Mr. R. W. GRAY (West Lambton): Speaking to the resolution last Thursday afternoon, while opposing it in toto, I did suggest to the minister that when the bill came before the house he make certain that a clause was included providing that the act should not take away from the returned men the preference given them under the Civil Service Act. I mentioned at that time that in 1932 when certain revenue post offices were taken from under the operation of the Civil Service Act there was included in the amendment a section retaining the preference to returned soldiers. That is found in the statutes of Canada, 1932, chapter 40, section 57A, which reads as follows:

The provisions of this act shall not apply to the position of postmaster of any revenue post