

The whole thing seems to be thoroughly unjust. The woman applied to the place where she ought to have been able to get information with respect to the civil service of this country. She was assured that she could take temporary employment, upon such and such an understanding. That was not carried out. In my submission an injustice has been done, and even though the Department of External Affairs deals with many matters of vaster importance, this is a detail in which justice is involved, and one which should not be overlooked.

Mr. MACKENZIE KING: As the hon. member has said, I am—or at least I was—familiar with this case. I had it before me, and I have also the memorandum to which the hon. member has referred. This was a case in which the treasury board did grant a certain right or request. Then, as I recall the circumstances, a point was raised by the auditor general, and an opinion was asked from the Department of Justice as to whether the treasury board had power to do what it had done. I gather the opinion was unfavourable.

I feel like the hon. member does, that this is a matter of justice to an individual. I am glad he has raised it, because it will give me an opportunity to ask for a further review of the matter, in the light of what the hon. member has said. There must be some regulation with which I am not familiar which has come to the fore—as often happens when departments are reviewing these matters. I am sure there is nothing intentional on the part of any department to deprive anyone of what would appear to be a right. I should hope that another review of the case may serve to remedy any injustice.

Mr. MAYBANK: One word further. As a rule, the reason why things which ought to be done are not done is that there has not been a sufficiently strong will to do it. That is the reason for the thousands of injustices in the civil service to-day. It is that there is not a will sufficiently strong to accomplish it.

A short time ago the Prime Minister introduced a bill to take care of a situation which had developed in the civil service with respect to certain people leaving the service and entering consular posts of one sort or another. It was desired that they should not lose the money they had paid into the superannuation fund. A way was found to take care of that difficulty. As I saw it, that was a doing of justice; it was the right thing to do. I remember the hon. member for Témiscouata

[Mr. Maybank.]

rising in his place and asking: Is this retroactive? Evidently he was thinking of someone else who was not in the picture. The Prime Minister responded, yes, it is retroactive respecting So-and-so, and So-and-so. While he was not questioned, I have no doubt that, had he been questioned, the answer would have been: It is the right and just thing to do, and whether it is retroactive or not it is going to be done. That certainly was the way it struck me at the time.

What I wish to say is that in my opinion if there is a strong enough will to do a thing, it will be done. That is what I would like to see in this house and on the treasury benches—a strong enough will to do what is right.

May I point this out, with regard to the case in hand, that it was finally decided that the woman was not a permanent civil servant, and that was why the money was not paid.

A marriage allowance is given to a woman civil servant when she marries, provided she is a permanent civil servant. If she has ten years of service or whatever length her service may be, if she is a permanent civil servant she gets this allowance. In this case they said, "you are a permanent civil servant; therefore you get your marriage allowance". But in regard to the superannuation money they said, "you are not a permanent civil servant; you cannot have it". It is utterly nonsensical that two such answers should be given. In one case, "you are; therefore you receive the smaller sum of money". In the other case, "you are not; therefore you do not get back the money you have paid into the fund". That is a situation which can be cleared up; it is a wrong that can be righted.

Mr. MACKENZIE KING: I do not want to appear to differ from my hon. friend because we are both interested in seeing that justice is done in this matter. He says there is not a strong enough will, but I would say that if will enters into it at all, there are probably too many strong wills which are at variance with each other over this matter. I think the case is one which falls within the category of equity rather than law. The officers in the government service have their specific duties to perform. Those of the officers of the Department of Justice are to interpret the law as it is, and those of the officers of the auditor general's department also are specific. They are each doing their respective duties as they see them, regardless of consequences. The consequences in this case would seem to indicate that there is a need somewhere for some revision. What my hon. friend said about the bill brought in the other day only bears out what I have