

why that should be necessary, and when changes are being made I think some consideration should be given to this matter affecting the Department of Justice.

Mr. BENNETT: My hon. friend has raised a question with which at least one, if not more, of my colleagues agrees fully. I may say to my hon. friend that the matter is being considered from every angle. I fancy it is known that the practice of having a legal adviser in every department grew up because of the separation of one accounting department from other accounting departments, thereby making each department a little separate government of its own. In the early days dealing with matters as important as the public lands of Canada, the Department of Justice found a tremendous amount of work was involved through reference to it of every little matter, and because of that a solicitor was attached. Following that a solicitor was attached in the Department of Railways and Canals, and I believe such provision has been made for about thirty years—although I am speaking from memory and am subject to correction. What one government department had the other departments thought they should have.

Mr. LAPOINTE: Quite true.

Mr. BENNETT: If there was going to be a separate accounting system, and department "A" had its legal adviser, departments "B", "C" and "D" should have theirs. When the classification took place through the activities of the Civil Service Commission provision was made for such officer.

I say frankly to my hon. friend that inasmuch as the Department of Justice is composed of all the law officers advising the crown it is difficult to understand why in every department there should be some other person whose advice may or may not be that which in the end is approved by the Department of Justice.

In England however there is a solicitor to the treasury, an office somewhat different in character. His duty is to investigate revenue cases and matters of that kind for the purpose of seeing that taxation is imposed, and that such taxes as are imposed are collected. These duties of course are tremendous. The department in Canada retains a solicitor to attend to those duties. He takes his cases to the courts, operating through the direction and with the assistance of the law officers of the crown. In England the solicitor to the treasury usually instructs the attorney or

solicitor general concerning litigation carried on. In fact, in most cases he is bound so to do.

I assure my hon. friend that the matter to which he has referred is one which is not entirely free from difficulties, but one which is certainly engaging the attention of those who have responsibility. I think that at the present time a report is being prepared by several of the ministers in the hope that we may be able to make more uniform the general system in connection with the advice given to the various departments by counsel, whether they be in the Department of Finance, the Department of Justice or in neither.

Mr. LAPOINTE: As the law now stands the Department of Justice is responsible for the advice given by those various solicitors in other departments, creating, in my view, an anomalous situation.

Sir EUGENE Fiset: Will the comptroller be directly responsible to the Minister of Finance, or to the deputy minister?

Mr. BENNETT: The comptroller would be responsible to the minister.

Subsection (1) agreed to.

Subsection (2) agreed to.

On subsection (3).—Tenure of office.

Mr. BENNETT: This is one of the amended sections.

Mr. STEWART (Edmonton): What are the other causes?

Mr. BENNETT: It is the old question that no man can be dismissed from his employment by the crown without having the opportunity to be heard, as was held by the privy council in the Phipps case. Sometimes a narrow meaning is placed upon the expression "removed for cause." It is believed that this would cover charges of misbehaviour, which of course he would have an opportunity to meet, and he may be removed for incapacity. Of course that is almost fundamental; if a man has had a mental breakdown and is no longer able to carry on, it follows that he should be removed from his position. The other provisions, inability or failure to perform his duties properly, come under incapacity; they cover the case if he becomes unfit for the position as it may have expanded, or perhaps was not fit for it when appointed. It is perfectly clear, as I say, that the person concerned must have an opportunity to be heard in his own defence, in any case.