

*Penitentiary Act*

walks of civil life to-day who served in the front line trenches of France and Flanders and other forward positions during the war who had the honour and distinction of the rank of private, gunner or sapper.

That some of the highest medals awarded by the British Empire were given to the private soldier who lived, ate and slept in the mud because he believed in his country and the best principles of freedom and did not enter the war in comfort and high military rank.

That the Kingston branch of the Canadian Legion No. 9 feel that the slur on the private soldiers whose names are carved in bronze and marble in our memorial hall and city monuments, who paid the supreme sacrifice in the great war should not be belittled or made cheap because some, who failed to respect the law of the country and probably did not serve overseas, find themselves in Portsmouth penitentiary and who got temporarily out of hand for a day or two.

That the raids on the German trenches for prisoners and the patrolling of no-man's land at night, was done by what rank of soldier—the private.

That the Kingston branch No. 9 Canadian Legion feel that Superintendent D.M. Ormond should make a public apology to relieve the feelings of the widows and mothers who lost husbands and sons serving in the great war with the rank of private.

That a copy of this resolution be sent to Doctor A. E. Ross; the Right Hon. R. B. Bennett; the Hon. Hugh Guthrie; the Hon. R. J. Manion; the Hon. Hugh Stewart—

And so forth.

In conclusion, I would like to make this observation, that I do not believe there is any possibility of the returned soldier's preference being applied in any satisfactory manner if the application thereof is to be left to the discretion of a man like D. M. Ormond. I do not wish to oppose the bill for that reason, but I would very seriously suggest to the minister that before giving Ormond the power of a dictator in matters of this kind, he should see to it that in some way his power of either expelling or appointing private soldiers should be controlled and restricted.

Mr. E. R. E. CHEVRIER (Ottawa): Mr. Speaker, the hon. member for Quebec South (Mr. Power) who has just resumed his seat and the hon. and gallant gentleman (Mr. Ross) who preceded him, will pardon me if I do not follow them in all the intricacies that are involved in the appointment of inspectors, wardens, deputy wardens and so on. With what my hon. friend who has just resumed his seat has said with reference to the most unwarranted charge that has been made against the returned men now in the employ of the penitentiaries branch as orderlies, I fully agree. I do think it was a most unwarranted statement on the part of one placed in an important position to say what

[Mr. Power.]

General Ormond said, and so far as I am concerned I am quite prepared to say to him that he ought to be censured as strongly as possible.

With what my hon., and, as I like to call him, my gallant friend from Kingston (Mr. Ross) has said, I am in agreement. The returned soldier's preference under this new scheme will be absolutely forgotten, or at least there is nothing in the bill that I can see anywhere that will safeguard that preference, yet the Minister of Justice (Mr. Guthrie) has said that one of the primary qualifications for the position of superintendent, warden and guard should be that the appointees be quasi-military men. With that I do not quite agree, but if the qualifications are to be such, then I doubt very much in view of certain appointments which have recently been made by the government whether that will be the consideration that will be uppermost in the minds of those charged with making these appointments. The Minister of Justice the other day when he introduced the resolution said, at page 3545 of Hansard of March 30:

This measure has been brought forward only after very serious consideration not only on the part of myself and officers in my department, but on the part of my colleagues and the senior officers of the penitentiary staff.

That may be, but the hon. gentleman knows that there is on the statute books of Canada a law that is called the Civil Service Act, and I for one believe that as long as that law is there, it is incumbent on those whose duty it is to prepare laws, and to see to their functioning, to be the first ones to observe the law.

I contributed in no small degree, and with the greatest satisfaction possible to the fabrication of the reports of the committee under the chairmanship of the hon. member for North Bruce (Mr. Malcolm), of March and June, 1923, on the administration of the Civil Service Act, when the Civil Service Commission was under review at that time, and one of the recommendations of that report was this:

Your committee is of the opinion that the two fundamental principles of the Civil Service Act are the merit system and the system of appointment by competitive examination, and that both these principles must be preserved.

Sir, as long as it is my great honour and privilege to be a member of this house, and as long as this law is on the statute books, it is my duty to see that it is observed, and for its maintenance I shall continue to fight. But having subscribed to it, I must of necessity oppose any departure from it.