

Mr. McMULLEN. I submitted the Bill to the Law Clerk of the House, and asked him with respect to my right to introduce it as a private member, and he agreed that I was quite within my right in introducing it, and I have done so.

Mr. FOSTER. But the Law Clerk is simply concerned with drafting Bills, and he will draft a Bill for any member. The hon. gentleman should have known that he has not the power to bring in such a measure as this, without the assent of the Crown.

Mr. McMULLEN. I submitted the Bill to the Law Clerk, and he held that it was quite within the right of a private member to introduce such a Bill. If the Government are prepared to assume the responsibility of ruling the Bill out on this ground, well and good.

Mr. SPEAKER. The hon. member must not place on the Government the responsibility of ruling out his Bill. That responsibility devolves on the Chair. If my opinion was that the Bill was in order, the opinion of the Government would not prevail in inducing me to decide that it was out of order. Not being in order, the second reading of the Bill cannot be put.

Mr. MILLS (Bothwell). I think my hon. friend has proceeded on the assumption that it can scarcely be held to involve a charge on the public treasury, as under it provides for the full amount to be repaid.

Mr. FOSTER. With 5 per cent compounded interest.

Mr. MILLS (Bothwell). Well, but if the Government choose to retain the money at that rate of interest, that is a different matter.

Mr. FOSTER. That gives a claim to the person superannuated.

Mr. MILLS (Bothwell). But, the hon. gentleman will see that my hon. friend (Mr. McMullen) is proceeding all along upon the assumption that there is to be no charge upon the public revenue, and that it is simply a trust on the part of the Government, created on behalf of those in the public service. On that ground, I think it would be worth some little consideration.

Mr. SPEAKER. Of course, I have not had a very great deal of time to give consideration to this matter, but my own opinion is very decided, that the provision in the Bill that the Government is to pay 5 per cent compound interest, constitutes a charge upon the public revenue. The provision of the Bill, if I understand it aright, is that any person now in the permanent Civil Service of Canada, and having contributed to the superannuation fund, shall be entitled to select whether he shall retain his right to superannuation under the provisions of the Act, or abandon the same, and accept in lieu thereof the provisions of this Bill.

Now, if he abandons his right to superannuation under the present Act, and accepts the provisions of this Bill—if the Bill passes and becomes law—clearly the Government would be bound to pay 5 per cent compound interest upon the amount paid in, not only to the individual himself, but to his legal representatives in case of his death in the service. It seems to me, so far as I am able to judge, that it certainly imposes a charge upon the public revenue.

Mr. DAVIES (P.E.I.) Mr. Speaker, you will recollect that this is not the first time this question has been before the House.

Mr. FOSTER. Not in that form.

Mr. DAVIES (P.E.I.) Never mind the form. It does not matter whether it was by resolution or Bill, because if a private member has a right to introduce a resolution, he would have the same right to introduce a Bill. One of the most distinguished members the House has ever had, and who was leader of the Opposition at the time, introduced a resolution in 1882 on the identical lines the hon. gentleman (Mr. McMullen) adopted; and with the clause which Mr. Speaker has said is beyond the power of a private member to introduce. Of course, that is not conclusive.

Mr. FOSTER. What was the resolution?

Mr. DAVIES (P.E.I.) It was introduced by Mr. Blake, providing that the Civil Service Act should be amended in the identical direction that my hon. friend (Mr. McMullen) provides for. The principle in itself was so eminently just that it commanded the assent of a very large number of the members of this House. The motion was lost on a party vote, but I have heard expressions of opinion from hon. gentlemen on both sides of the House that the principle involved was just, and that if party ties were not pressed, it would command the assent of a large majority of the members. That resolution was brought up a second time by another hon. gentleman on this side of the House. The point of order which is now taken by yourself, Mr. Speaker, never was raised, nor was it thought of by any hon. member. My hon. friend (Mr. McMullen) followed the precedent set by Mr. Blake, and adopted afterwards by another prominent member of the Opposition. Mr. Blake's motion was debated in this House for several days, and I submit that my hon. friend (Mr. McMullen) had a good, honest right to assume that he was fairly within his right when he made the same proposition in the form of a Bill. There may be something in what Your Honour says, and as I have not had an opportunity of looking closely into the rules of Parliament in the matter, I will not express an opinion one way or another. Unless you are very thoroughly satisfied, Sir, as to your ruling, I venture to hope that the matter should not be fin-