

Mr. BLAKE. The hon. gentleman said more than that. He said the law prevented them from participating in the fund unless they had served ten years.

Sir LEONARD TILLEY. I did; I read the provision.

Mr. McMULLEN. I will furnish the names to the House on Concurrence.

Bill read the second time; and the House resolved itself into Committee.

(In the Committee.)

Mr. BLAKE. The first clause seems to be of awkward construction.

"1. The Civil Service for the purpose of this Act shall include and consist of—

"(1.) All officers, clerks and employés in or under the several Departments of the Executive Government, who are paid a yearly salary, and to whom 'The Canada Civil Service Act, 1882,' applies, and who in case they were or are appointed after the coming into force of that Act were or are appointed in conformity with its provisions."

Sir LEONARD TILLEY. It is the phraseology used in the present Act.

Mr. BLAKE. My impression is that if a junior Civil Service clerk were called upon to draw up a clause and gave such a construction as this, he would not pass the examination. With reference to the second sub-section, I renew the objection before made. This is substantially the same as the provision in the original Act. We were then dealing with an experiment, and the Government were not in a position to bring down propositions which should fully state who should be entitled to the benefits of the Civil Service Act, and consequently that was left to their discretion. Inconveniences have occurred through classes being considered within the Act by one Government and not by another. At this time, however, after twelve years of experience, the Government ought to be able to designate what classes should receive the benefit of the superannuation allowance, and the question should no longer be left unsettled.

Sir LEONARD TILLEY. I am not prepared to agree with the hon. member in the view he takes, as new circumstances arise with new Departments and new employés. Take the railways, for instance; it may be prudent to take the leading employés, the manager and certain permanent officials on railways within the Act, and to include others, such as conductors, who, though occupying responsible positions, cannot be considered permanent employés. The hon. gentleman may say we should designate those; but there are circumstances when it is considered there should be some elasticity, and since there is no difficulty in this case, we see no reason why we should, by Act of Parliament, prevent the Government having the power to exercise that elasticity. Therefore, as long as Parliament has confidence in the Government, and if it has not, if it thinks the Government have acted unwisely in any instance, there is the constitutional mode of remedy. It was considered desirable there should be some elasticity, and that the Government should not be tied down to certain employés named specifically in the Bill.

Mr. BLAKE. This designation has admittedly to be made either by Act of Parliament or Order in Council; and if it is difficult to make by Act of Parliament how is it going to be made by Order in Council. Is it possible that after twelve years of experience we have not yet reaped any fruit of certainty. Rules have been laid down I presume; certain classes of the outside service have been considered; it is in the discretion of the Government whether they will be put in or kept out. The hon. gentleman says there is a constitutional mode of remedying any evil. That observation is all very fine, but it amounts to nothing. He knows that those who support him will support him over a

Sir LEONARD TILLEY.

much steeper question still than the question of whether he has wisely or imprudently superannuated civil servants. He knows that prudence in all cases—I am speaking of all Governments—such prudence as has been exemplified in the conduct of constitutional and representative Government, calls for Parliament to do what they can, leaving to the Executive as little as it can, instead of, as this Government proposes, leaving the area of Executive authority as wide as possible, and obstructing the authority of Parliament as much as possible.

Sir LEONARD TILLEY. I just leave it where the hon. Minister left it five years ago.

Mr. BLAKE. No; we did not make this law. The hon. gentleman is now proposing to re-establish the law, to re-enact every one of those clauses. He is proposing to do that after four years of experience as to the working of the Superannuation Act. But I am dealing with this case as I always do with reference to questions between Executive and Parliament, entirely irrespective of the question of how it will affect a particular Government. We are to give no more to one Government than to another, to the Government in which we have the greatest confidence than to that in which we have no confidence at all. A majority is bound to consider what are the limits properly to be assigned to the Executive power, because the majority may become the minority, and they may find good cause for complaint. Here you find in one sub-section, Parliament designating the officers by a general enumeration who are to come within it; in the other sub-section is mentioned a very large number of officers who will admittedly come within it, although there are a large number who, I presume, will stay without. All is to be left at loose ends, so far as Parliament is concerned; for the hon. gentleman says that elasticity should be the rule, that there is some difficulty in designation, and the Governor ought to leave it in their power to deprive the whole outside service of the benefit of the Superannuation Act if it pleases to draw the line between those who are to be excluded and those who are to be included. Now, I do not agree at all in this view. I think it is a mistake. I admit it is of a piece with the general line of action of this Administration which was duly proposed to Parliament from time to time to surrender its functions and to hand them over to the Executive. The hon. gentleman knows that he may look with perfect confidence upon his friends sustaining him, even though he may commit great errors, even improper acts, with reference to the superannuation of particular individuals. His friends would say then: "The mischief is done, we cannot revoke it, why should we cry over spilt milk? Shall we join in a vote of censure on our friends when it will do no good? We may privately remonstrate with them, but we will not join in a vote of censure." The true security is to prevent the wrong being done, to prevent a repetition of the wrong by punishing those who have committed it. But we know from very long experience that this security is an illusory one, so far as this Government is concerned.

Mr. CASEY. The reading of this clause is vague in another respect. Amongst those who are employed in an established capacity and paid a yearly salary are many who are occupied but a small portion of the year. We heard the other day of a great many fishery wardens in the Maritime Provinces who are paid \$300 or \$400 a year, and who are occupied but a portion of the time; and as this clause leaves it open to the Governor in Council to declare that those who are employed in an established capacity and are paid a yearly salary, may come under the provisions of this Act, officers like these might be held to be included.

Sir LEONARD TILLEY. This gives authority to the Governor in Council to deal with these very men.