

passes them; the company finds it more convenient to run the freight trains on two opposite tracks and let the express, with the passengers, pass between them, so that the passengers getting off there have to cross the track to get to the platform. All I want to do is to compel them to run their freight trains on outside tracks so as to bring the passenger train up to the railway station next to the platform. Of course if the train happens to be a long one, longer than the platform is, a provision can be made to meet that case. I do not wish to put the company to any unnecessary expense, but I think that they should treat the public in a manner in which the public ought to be treated. I have much pleasure in accepting the suggestion made by the Minister of Justice as to the disposition of this Bill.

Mr. WELDON (St. John). Another strong objection to that Bill is that under present circumstances the railway companies are bound to provide proper means and appliances for discharging passengers from their trains, and if, from any negligence or carelessness on the part of the company, an accident occurs or any person suffers damage, he has a remedy. The difficulty in this case would be that if by chance a train, long or short, did not draw up to the platform, though no one was injured thereby, yet the company would be liable to the penalty. There you see you are imposing penalties on companies for no damage done, and you put them at the mercy of a common informer who might wish to bring an action against them. In many instances when a long train comes to a station, the company will discharge the first cars and then haul up the train farther, and it is impossible to keep the people in, as they will pass out in order to reach the platform. At present, under our existing law, if a person suffers damage from the negligence of the company in not having proper appliances for alighting, &c., he has a remedy against the company, and, generally speaking, the company suffers pretty severely. But in addition to that, if by neglect, either by overrunning the platform, or having a long train, or through some other cause, one of the cars connected with the train is not opposite the platform, still the company is liable to a penalty at the suit of any common informer.

Mr. MILLS (Bothwell). I would suggest that the hon. member who has charge of this Bill, as he has taken a great deal of interest in it, should be put on this special committee.

Sir JOHN THOMPSON. I have no objection.
Motion agreed to, and Bill read the second time.

ASSESSMENT OF SALARIES IN THE CIVIL SERVICE.

Mr. ELLIS moved that Bill No. (18) to authorise the assessment of incomes of persons in the service of Canada be read the second time. He said: The object of this Bill is to authorise the assessment of persons having a salary or income, in the service of Canada, for municipal or civic purposes. As is well known at present, through some presumed prescriptive right, the salaries of persons in the service of Canada can not be assessed for any purpose, such as schools, or streets, or police, or fire, or for any of the purposes for which the salaries or incomes of other citizens are taxed. I think it has been decided by the Ontario courts that there is no power, either under the municipal or the provincial laws, to assess the salaries. It seems to be only right and fair that employés of the Dominion Government who live in cities and who enjoy all the privileges which the city affords, including police protection and public schools and like advantages, should pay a fair share of the assessment wherever incomes are assessed in Provinces. In some places, I am aware, there is no income tax,

Mr. Cook.

and in such instances the Bill will not apply. In those cases all persons are reached under the system there existing. Where the assessment is levied wholly on real estate the whole population is reached in that way, but in places where there is an income tax there is an unfairness committed by exempting employées of the Dominion Government. The object of the Bill is to remove that unfairness. It is supported by the general voice of the country, and there seems to be no good reason why the civil servants of Canada should be exempt from the assessment. The very fact that superannuation is provided for them on their retirement gives them an advantage which is not enjoyed by other persons, and I think this is a further reason why the House should agree to the passage of this measure. As regards officials drawing comparatively small salaries, I may remark that most of the assessment laws provide an exemption so the law would not bear too harshly on them. The object sought to be attained is to make the local law applicable to all cases.

Mr. RYKERT. I think this Bill cannot go to a second reading, for two reasons. We have a Rule of this House which requires all Bills that involve a charge on the people or on any class to originate in Committee of the Whole. On page 523 of Mr. Bourinot's work there is the following:—

"It is the invariable rule that all measures involving a charge upon the people or any class thereof should be first considered in a Committee of the Whole, Rule 88, Order.

"If any motion be made on the House for any public aid or charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned until such future day as the House may think fit to appoint; and then it shall be referred to a Committee of the Whole House before any resolution or vote of the House do pass thereon."

The Rule stated also applies to the imposition of any state tax or charge upon the people or any class thereof. Then there is another reason laid down also in Mr. Bourinot's work:

"It is now a fixed principle of constitutional government that all propositions to impose taxes shall be made only with the assent of the Ministers of the Crown and with their sanction."

Under these circumstances I contend that this Bill should originate in Committee of the Whole House.

Mr. AMYOT. I have another reason against further progress being made with this Bill. I do not see that this House has power to deal with assessments to be levied for municipal or school purposes. That is a subject wholly within the jurisdiction of the Local Governments.

Mr. WELDON (St. John). I have some little doubt as to the power of Parliament to deal with this subject, but, if it is possible to do so, I think that the employés of the Dominion Government should be made liable with other persons for these provincial and municipal taxes. It does not really affect Ottawa alone, but also every city throughout the Dominion, as the courts of the different Provinces—I know this has been the case in New Brunswick and Ontario—have decided that the salaries of these officers are free from assessment. In fact it is carried out to a very great extent, and a large number of the employés of the Intercolonial Railway are free from any local or town or county assessment, and as the hon. member for St. John (Mr. Ellis) has stated, even from paying school taxes. It was never intended that all these persons should escape; and as the courts have decided that the Local Legislatures have no power, then the question arises as to whether we have power in this Parliament. The question is not that mentioned by the hon. member for Lincoln (Mr. Rykert) that this Bill proposes a tax in the sense he has put forward, but the question is, can we delegate the power to Local Governments to make the assessment? It is doubtful to my mind whether that can be done, because the effect of this Bill is that as the Dominion Parliament and the Provincial Legislatures having together the power of the