

parliament has the right to send to any person—

Mr. FIELDING. On his personal affairs.

Mr. BLAIN—while the House is in session.

Mr. FIELDING. Personal affairs.

Mr. BLAIN. I am not debating the question; I am only reading in connection with this discussion the clause which gives the member the right to send out under his frank—

Mr. FIELDING. Not to send out campaign literature under his own reading.

Mr. LANCASTER. If the member chooses to make it a personal affair why should he not send it out?

Mr. BLAIN. The charge of sending out campaign literature is against the government and the minister's own department, and the point under discussion is whether the messengers who are paid by parliament have the right to fold up, address and send out throughout this country the speeches of the Finance Minister while members on this side have no such privilege or right.

Mr. FIELDING. I do not think they have; I agree with my hon. friend.

At six o'clock, the committee took recess.

After Recess.

Committee resumed at eight o'clock.

Costs of litigation in connection with Railways and Canals, \$6,000.

Mr. LENNOX. How do these expenses arise?

Mr. GRAHAM. Most of them are suits against the Crown in the Exchequer Court. There are quite a number of suits, often they are over right of way questions that we cannot settle, and we send them to the court. In our department there are a lot of old claims that are being revived all the time. It is hard to say what to do with them.

Mr. J. D. REID. Are there many now before the Exchequer Court unsettled?

Mr. GRAHAM. There are some before the court all the time, in our department.

Mr. J. D. REID. I understood Judge Cassels' time is taken up almost entirely with these.

Mr. GRAHAM. The King being the defendant, we are not urging cases to go on. I do not know of any cases that are delayed.

Mr. J. D. REID. I admit the government are right in not being anxious to push the cases ahead; at the same time, when the government allows a case to go before

the judge, nothing should be done to prevent it from coming to a decision.

Mr. GRAHAM. I have not heard of any cases being delayed. Judge Cassels' work in the Exchequer Court will not be delayed by reason of his having undertaken the Civil Service Commission.

Mr. SPROULE. I wish again to refer to the frequency with which we are violating the provision of the Civil Service Act. I have the Act in my hand, passed in 1882, one clause of which reads:

All appointments to the civil service shall be during pleasure, and no person shall be appointed or promoted to any place below that of a deputy head, unless he has passed the requisite examination and served the probationary term hereinafter mentioned, nor until he has obtained the certificates required by this Act.

It makes two divisions. The first is a class some of whom may be appointed without passing an examination, officers who have special or technical qualifications, that is, such as engineers or draughtsmen, men having special qualifications. Therefore, they could be employed and paid without committing any violation of the Civil Service Act. It provides for:

Chief clerks, first-class clerks, second-class clerks, third-class clerks, messengers, packers and sorters.

Then schedule (b) provides that:

All the officers, clerks and employees hereafter enumerated and such other officers in the lower grades as may be determined by order in council.

It goes on to provide for the salaries of officers of the Customs, Inland Revenue and other departments. They have all to pass a civil service examination. To provide for those who ought to have passed the civil service examination but who had not done so and who were employed temporarily from time to time an Act was passed in 1892, the provision of which is as follows:

Any person who, on the first day of July, one thousand eight hundred and eighty-two, was in the service or employment of the government of Canada, or of any department thereof, and who has since been continuously engaged therein, may, notwithstanding anything in the Civil Service Act, be appointed to any position in the public service, without regard to age and without being required to pass the preliminary or qualifying examination provided for by the said Act, subject, however, to such regulations as are made by the Governor in Council, or by the head of a department, prescribing examinations for appointment or promotion in the civil service; and any such person may also, notwithstanding anything in the said Act, be temporarily continued in the public service.

2. All appointments of such persons, and all payments of salaries to them, heretofore made, are hereby legalized and confirmed.