

Militia Pension Act

I am not presuming to give an opinion, only to say that in the judgment of the Privy Council there is no language so decisive and so final as would make an appeal from the judgment of the Ontario Appellate Court a futility. One would think from reading it that the Privy Council never intended to undermine the whole basis upon which section 498 of the criminal code rests. I have it firmly in my mind that the jurisdiction of this parliament to enact such legislation must be upheld, and I earnestly hope the minister is considering taking immediate steps to see that the judgment so given does not become the law of Canada.

Sir LOMER GOUIN: I should not like to express an opinion on the judgment referred to, not having yet read it, but I will certainly take under due consideration the remarks of the right hon. leader of the Opposition and do anything that is necessary and possible in the interests of the Dominion and the provinces.

Resolution reported, read the second time and concurred in. Sir Lomer Gouin thereupon moved for leave to introduce Bill No. 117, to amend the Admiralty Act.

Motion agreed to, bill read the first and second time, and the House went into committee thereon, Mr. Gordon in the chair.

Sir LOMER GOUIN: The bill is not printed in the two languages.

Progress reported.

PENNY BANK OF TORONTO ACT AMENDMENT

Hon. W. S. FIELDING (Minister of Finance) moved the second reading of Bill No. 104 to change the name of The Penny Bank of Toronto.

Motion agreed to, bill read the second time, and the House went into committee thereon, Mr. Gordon in the chair.

On section 1.—Name changed to "The Penny Bank of Ontario".

Mr. FIELDING: Mr. Chairman, the founders of The Penny Bank were Toronto citizens, and when the institution was organized it received the name of The Penny Bank of Toronto. In later years the operations of the bank have extended throughout the province of Ontario, and the desire is that hereafter the institution should be known as The Penny Bank of Ontario. The only purpose of this bill is to change the name accordingly.

[Mr. Meighen.]

Mr. MEIGHEN: At whose request is the change made?

Mr. FIELDING: At the request of the managers of the institution in Toronto through their solicitor in Ottawa. I noticed recently in the press there was some expression of opinion as to whether or not The Penny Bank was a successful institution. The only criticism of it was that it gives additional work to the school teachers and in some instances perhaps they are not willing to undertake it. However, I believe that is exceptional. The bank is operating quite extensively, and, so far as I know, to the general satisfaction of the public.

Bill reported, read the third time and passed.

MILITIA PENSION ACT AMENDMENT

Hon. E. M. MACDONALD (Acting Minister of National Defence) moved that the House go into committee to consider the following proposed resolution:

Resolved, that it is expedient to amend the Militia Pension Act, chapter forty-two of the Revised Statutes of Canada, 1906, and to provide that pensions of retired officers, who served in the war and are employed in public service, be continued, and that the annual emolument of any such officer shall not exceed the annual rate of pay and allowances upon which the pension was computed; also to provide that pensions which have been paid to such officers shall not be recoverable from them.

Motion agreed to and the House went into committee, Mr. Gordon in the chair.

Mr. MACDONALD: The purpose of this resolution is to provide for a situation that has arisen out of the late war. Under the provisions of the Militia Pension Act an officer shall not receive any pension while he is in receipt of a salary in the public service. This limitation did not apply to those who served as non-commissioned officers or privates. Since the war a number of members of the permanent force who served overseas and were promoted for service in the field or otherwise for merit, subsequently entered the public service, and by so doing lost their right to the pensions they would otherwise be entitled to on retirement. The Militia Pension Act was revised and brought up to date in 1909, when certain provisions were made in regard to pensions generally. Any officer who retires for any cause other than inefficiency or misconduct is entitled to receive out of the pension fund one-fiftieth, for every year he was in the service, of the amount he received during the last year in which he served. This fund is provided out of payments made by officers during the course of their service, at the rate of five per cent