

atories in the Senate of Canada. He said: The Senate have added certain provisions. One is this:

"No person shall be appointed a Senator under this Act unless he possesses the qualification provided for by section 23 of the British North America Act of 1867; and for the purposes of this Act, the word 'Province,' wherever it is used, shall be considered to mean the North-West Territories."

This subject was introduced by the hon. member for Bothwell (Mr. Mills) here. The Senate consider that the question of residence is not sufficiently specified. On looking at the British North America Act, I find it declares that a Senator shall be resident in the Province he represents, and this is, in fact, to provide that the term 'Province' shall include the North-West Territories, so far as a Senator coming from that part of Canada is concerned.

Mr. MILLS (Bothwell). I did not hear exactly what the hon. gentleman said. Was there not something about the qualification beyond the question of residence?

Sir JOHN A. MACDONALD. The proposed amendment is:

"No person shall be appointed a Senator under this Act unless he possesses the qualification provided for by section 23 of the British North America Act of 1867; and for the purposes of this Act, the word 'Province,' wherever it is used, shall be considered to mean the North-West Territories."

We may not have the power in any way, but there is no harm in stating it in the Act. I went a considerable way in the direction of the argument of the hon. gentleman opposite.

Motion agreed to, and amendments concurred in.

#### PENITENTIARY ACT AMENDMENTS.

Mr. THOMPSON moved the second reading of Bill (No. 65) to amend the Penitentiary Act.

Sir RICHARD CARTWRIGHT. Will the hon. gentleman explain what he desires to do?

Mr. THOMPSON. Perhaps the hon. member was not in his place when I moved the resolutions on which the Bill is founded. The object of the Bill is, in the first place, to make a definite provision for the salaries of the officers composing the staff of the different penitentiaries. It is found that that provision is, to some extent, made in the existing Act, but that Act simply fixes the maximum of the officers' salary. It is proposed in this Bill that all the officers—as hon. members will see on referring to the schedule—shall begin at a fixed minimum, and proceed, the superior officers by increases of \$50 a year, and the inferior officers by increases of \$30 a year, until they attain the maximum. This will avoid the inconvenience of depending on uncertain circumstances as they occur from time to time. Then another branch of the Bill is intended to make provision for the regulation of perquisites. As I explained to the House in moving the resolutions, the practice has grown up of allowing the principal officers certain perquisites, such as fuel, light, the keeping of a horse or a cow, and a certain amount of convict labor. It is intended still to continue the practice of allowing to all the officers, in so far as it is possible, a house on the penitentiary property, because there is a great advantage to the institution in having the officers close at hand. But it is proposed to abolish all other perquisites, except what are mentioned in section 8, which is, that the house, and grounds and gardens immediately attached to the house, may be kept in order by convict labor. All other perquisites, such as the keeping of a horse and carriage, fuel, and light, are to be abolished. Then there are regulations as to retiring allowances and gratuities. There is no increase in the gratuities which it is proposed to allow, except that the Governor in Council is permitted a discretion to increase

the gratuities of an official who has been injured in the service of the institution.

Mr. MILLS. The hon. gentleman, I see, provides here, by section 5, a retiring allowance to be paid to any party dependent upon the employé, equal to the salary which the employé receives. Is not that a pretty wide departure from the rule recognised generally in the Civil Service?

Mr. THOMPSON. The hon. member refers, I think, to section 6 instead of section 5. But the gratuity is not in any case to exceed the amount of salary for two months next preceding the date of retirement, or three months next preceding that date.

Motion agreed to, Bill read the second time, and House resolved itself into Committee.

(In the Committee.)

On section 4,

Mr. MULOCK. I would call the attention of the Minister of Justice to this provision for a gratuity on the basis of the officer's salary. I would ask him whether that gratuity is to be calculated on the salary which he receives at the commencement of the term, the middle of the term, or at what period? The Bill says that he is to receive a gratuity of half a month's salary for the first five years, and of a month's salary for each of the other years of service. Of course his salary is a changing quantity. It is material to provide whether it is to be on the basis of his highest salary, namely, at the time of his retirement, or at some other period.

Mr. THOMPSON. The gratuity is now paid on the salary which he receives at the time he leaves the office. This Bill provides that the gratuity or retiring allowance may be calculated at the rate of half a month's salary for each year of his service up to five years, and a month's salary for each year of service in excess of five years. The salary, it is true, will be changing from time to time, but after the five years the gratuity will be calculated on the increased salary.

Mr. MULOCK. It is open to argument on the text of the Bill on what the gratuity should be calculated. If it is intended that he is to be paid this gratuity, calculated on the highest salary received at the time of his retirement, it ought to be made clear to him.

Mr. THOMPSON. We have no objection to make it so. But the hon. member will see by the schedule that before the five years shall have elapsed he will have obtained his maximum.

Sir RICHARD CARTWRIGHT. What is the object of introducing the words: "or retiring allowance." If I understand the object aright it is simply to give a gratuity of so many months' salary. I do not see any object in introducing the words "or retiring allowance," because it is not intended to confer any pension.

Mr. THOMPSON. Gratuity and retiring allowance are used as convertible terms, and in the Orders in Council both terms are used.

Mr. MILLS (Bothwell). I desire to enquire whether the phraseology of sub-section 2, with respect to increases of salary in the Department of the Minister of Justice, is the same as that respecting salaries in the other Departments; and, also, whether any more power is granted to the Minister of Justice with respect to increases of salary than is given to any other Minister?

Mr. THOMPSON. The Bill does not confer on the Minister of Justice any larger powers than are possessed